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MINUTES

OF THE

MEETING OF CONVOCATION

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SEP 29 1979

MEETING OF CONVOCATION

Friday, 17th November 1967
10:30 a.m.

PRESENT:

The Treasurer and Messrs. Arnup, Beament, Bowlby, Bull, Callon, Cass, Chappell, Clements, Creighton, Dubin, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, Henderson, Levinter, Maloney, G. A. Martin, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Pepper, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom, Weir and R. F. Wilson.

COMMITTEE MEMBERSHIP

On motion duly made, Mr. W. Gibson Gray was appointed to the Special Committee on Muniments and Memorabilia.

On motion duly made, the following were added to the Legal Aid Programme Committee: Messrs. Levinter, J. D. Bowlby, C. L. Dubin, G. W. Ford and J. G. J. O'Driscoll.

The Treasurer appointed the Chairman and Vice-Chairman of the Legal Education Committee, the Dean and the Assistant Dean, to be a Special Committee on Law School Bursaries and Loans for 1967-68.

FINANCE COMMITTEE — Mr. R. F. Wilson

Your Committee met on the 9th November, 1967, the following members being present: Mr. R. F. Wilson, Chairman, and Messrs. Fennell, Howland, Levinter, Raney, Sheard and Steele.

ACCOUNTS

The Secretary reports that from the 1st October to the 31st October 1967 accounts, including Library Accounts, properly approved, to the amount of $77,900.30 have been paid.

The Secretary also reports that from the 1st October to the 31st October 1967 Legal Aid accounts to the amount of $702.05 have been paid. *Approved*

FINANCIAL STATEMENT 1st July 1967 to 31st October 1967

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 31st October 1967. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointment to the Bench*

That Thomas J. Jacob, Q.C., Dunnville, has been honoured in his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

Called — 15th September 1949; Appointed Judge, C.C.C. Middlesex, 6th November 1967.

Noted

(2) *Deaths*

That the following former members of the Law Society have died:

Seymour Hermant, Q.C., Toronto	Called—17 September 1936 Deceased—11 October 1967.
T. J. Rigney, Q.C., Kingston (Honorary Life Member)	Called—1898 Deceased—11 October 1967.
William J. Grummett, Q.C., Ansonville	Called—27 November 1922 Deceased—20 October 1967.
Nathan J. Stitt, Toronto	Called—25 March 1966 Deceased—5 November 1967.

Noted

HONORARY LIFE MEMBERS

Pursuant to Rule 32(b), the following are eligible to become Honorary Life Members of the Law Society:

Name and address	*Common roll*	*Grad. or Matric.*	*Year of Call but for War*	*Actually Called*
1. Johnston, George Arthur, Q.C., 145 St. George St., Apt. 601, Toronto	1914	Grad.	1917	May 22, 1919
2. Mason, James Arthur Ryerson, Q.C. 226 Golfdale Rd., Toronto	1914	Grad.	1917	Oct. 16, 1919
3. Price, Vincent Walter, Q.C., 111 Richmond St. W., Rm. 1107, Toronto	1914	Grad.	1917	May 20, 1920
4. Rodd, Garnet LeRoy Canada Bldg., Windsor	1914	Grad.	1917	Oct. 16, 1919
5. Telfer, Alan Foster Attorney General's Dept., Parliament Bldgs., Toronto	1914	Grad.	1917	May 20, 1920
6. Teskey, Frank Clifton 330 Bay St., Rm. 801, Toronto	1914	Grad.	1917	June 17, 1920

Approved

PEEL COUNTY LAW ASSOCIATION—*Request for loan*

The Libraries and Reporting Committee request the approval of the Finance Committee for a loan to be made to the Peel County Law Association in the amount of $2,400.

Approved

REASONS FOR JUDGMENT

The following item was approved by Convocation in the Report of the Libraries and Reporting Committee in September 1967. It is reproduced here for the information of this Committee:

Complaints have been received by the Law Society from members of the profession as to the charge being made for copies of Reasons for Judgment. The present cost is 75¢ per page. For the fiscal year 1965-6 the Law Society made a net profit of $2,211.24 through the sale of Reasons for Judgment. For the fiscal year 1966-67 the Law Society made a net profit of $2,944.54 through the sale of Reasons for Judgment. Your Chairman has been advised that the Law Society could provide copies of Reasons for Judgment at 50¢ per page, and not sustain a loss.

Your Committee recommends that copies of Reasons for Judgment be provided to the profession at 50¢ per page.

Received

THE REPORT WAS ADOPTED.

LEGAL EDUCATION COMMITTEE — Mr. Robins

Your Committee met on Thursday, the 9th day of November, 1967, the following members being present: Mr. W. G. C. Howland, Chairman, Mr. S. L. Robins, Vice-Chairman, and Messrs. Callon, MacKinnon, Slemin and R. F. Wilson.

BAR ADMISSION COURSE

FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Corporation Law

A. H. Clairman, Esq., to be promoted from Stand-by Instructor to Instructor, in place of W. R. Herridge, Esq., resigned.

R. A. Donaldson, Esq., to be promoted from Stand-by Instructor to Instructor, in place of J. A. Langford, Esq., resigned.

S. Silver, Esq., to be promoted from Stand-by Instructor to Instructor, in place of L. H. Schipper, Esq., resigned.

D. Cameron, Esq., to be appointed an Instructor in place of V. M. Seabrook, Esq., resigned.

W. H. Giles, Esq., to be appointed an Instructor.

B. Weinstein, Esq., to be appointed an Instructor.

A. J. Grey, Esq., to be appointed a Stand-by Instructor in place of A. H. Clairman, Esq., promoted to Instructor.

A. Karp, Esq., to be appointed a Stand-by Instructor in place of R. A. Donaldson, Esq., promoted to Instructor.

C. T. Loughrin, Esq., to be appointed a Stand-by Instructor in place of S. Silver, Esq., promoted to Instructor.

Creditors' Rights and Bankruptcy

W. A. McTavish, Esq., to be appointed a Stand-by Instructor in place of M. I. Applebaum, promoted to Instructor.

Commercial Law

K. N. Sharp, Esq., promoted from Stand-by Instructor to Instructor in place of E. E. Coutts, Esq., Q.C., resigned.

D. Saul, Esq., to be appointed as an Instructor.

J. T. Kennish, Esq., to be appointed a Stand-by Instructor in place of K. N. Sharp, Esq., Promoted to Instructor.

H. P. Katzman, Esq., to be appointed a Stand-by Instructor in place of G. A. Wilson, Esq., promoted to Instructor.

G. G. Sedgwick, Esq., to be appointed a Stand-by Instructor.

Approved

REPORT OF ADMISSIONS COMMITTEE

The Law School Admissions Committee reports as follows:

FIRST YEAR

I. *Applications and Partial Applications received*

	1967-68		1966-67	
1. With degree or equivalent	631		481	
2. Without degrees	236		100	
3. Degree status unknown	50	917	34	615

II. *Completed Applications Received*

	1967-68		1966-67	
1. With degree or degree equivalent	561		441	
2. Without degree	192		70	
3. Failure at other law schools	16		15	
4. Not within regulations	8	777	8	534
III. *Applications Not Accepted*				
1. With degrees	243		59	
2. Without degrees	112		37	
3. Failures at other law schools	16		15	
4. Not within regulations	8	379	8	119
IV. *Applications Accepted by Committee*				
1. *With degree or equivalent*				
(a) *Canadian Universities*				
B.A. (Honours)	39		26	
B.A. (General)	235		239	
B. Com.	9		21	
B. Sc.	14		23	
B.A. Sc.	9		2	
B.B.A.	1		2	
M.D.	2		1	
M.A.	2		—	
Other	—	311	4	318
(b) *Non-Canadian Universities*				
B.A. (Honours)	3		5	
B.A. (General)	20		25	
B.B.A.	1		1	
B. Sc.	4		5	
LL.B.	2		—	
LL.M.	1		1	
B.Th.	—	31	1	38
	342		356	
2. *Without Degrees*				
(a) *Canadian Universities* (degree pursued)				
B.A. (Honours)	9		7	
B.A. (General)	36		38	
B. Comm.	2		5	
B. Sc.	3		1	

	1967-68		1966-67	
B. Eng.	2		1	
M.A.	1		—	
Other	—	53	4	56
(b) *Non-Canadian Universities*				
B.A. (General)	2		1	
M.A.	1		—	
Other	—	56	2	59
	398		415	
V. *Withdrawals*				
1. Offer of place not taken up	66		83	
2. Offer taken up but withdraw before registration	89		118	
3. Withdrew after registration (to October 31st, 1967)	7	162	10	211
VI. *Registrations (October 31st, 1967)*				
1. New students with degrees	188		168	
2. New students without degrees	39		36	
3. Repeaters with degrees	7		10	
4. Repeaters without degrees	2	236	—	214

TOTAL ENROLMENT AT OCTOBER 31, 1967

I. *LL.B. Programme*				
1. Year I	236		214	
2. Year II	161		171	
3. Year III	167	564	168	553
II. *Graduate Programme*				
1. Full-Time	1		3	
2. Part-Time	9	10	6	9
III. *Special Students*	1	575	3	565

SECOND YEAR

		1967-68		1966-67	
I. *Completed Applications Received*			16		19
II. *Applications Not Accepted*					
1. Failed elsewhere		1		1	
2. Advanced standing refused		1		—	
3. Transfers refused		—	2	—	1
III. *Applications Accepted by Committee*					
1. Transfer from second year					
(a) U.N.B.	1				
(b) U.B.C.	1				
(c) U. of T.	1				
(d) Queen's U.	2				
(e) U.W.O.	1				
(f) Ottawa	4				
(g) Loyola (Chicago)	1	11			
2. Advanced Standing					
(a) London LL.B.	1				
(b) Edinburgh LL.B.	1				
(c) Glasgow LL.B.	1	3	14		18
IV. *Withdrawals*					
1. Offer of place not taken up		2			
2. Offer taken up but withdrawn before registration		5	7		7
V. *Registration*					
1. Entered, September, 1967	6				
2. Entered as of Jan., 1968		1	7		11

THIRD YEAR

		1967-68		1966-67	
I. *Completed Applications Received*			10		4
II. *Applications Not Accepted*					
1. Failed elsewhere		—		1	
2. Advanced standing refused		3		—	
3. Transfers refused		—	3	—	1
III. *Applications Accepted by Committee*					
1. Advanced Standing					
(a) Ceylon LL.B.	1				
(b) Inns of Court School	4				
(c) Auckland LL.B.	1	6			

	1967-68	1966-67
2. Transfers from third year		
(a) U.B.C.	1 1 7 – –	—
IV. *Withdrawals*	1	—
V. *Registration*	6	3

Received.

PHYSICAL ACCOMMODATION FOR THE OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY FOR THE ACADEMIC YEAR 1968-69

A memorandum from the Dean is before the Committee setting out the allocation of space in the Law School building which has been agreed upon by the Dean and the Director of the Bar Admission Course.

Your Committee recommends that the Society enter into a lease with York for the space used by the Law School, the terms to be settled by the Chairman and Vice-Chairman of this Committee and the Chairman of the Finance Committee who would have authority to retain solicitors and obtain such other advice as may be needed. The allocation of space between the Law School and the Bar Admission Course is approved, Mr. Heeney to inquire of Mr. Potts whether any space might be rented in the new Court House on a temporary basis.

MEMORANDUM

To: THE CHAIRMAN, THE LEGAL EDUCATION COMMITTEE
From: DEAN LE DAIN
Re: PHYSICAL ACCOMMODATION FOR THE OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY FOR THE ACADEMIC YEAR 1968-69

I am informed by the administration at York University that according to the new schedule submitted by the contractors, the Law Building will not be completed before January 1969. In these circumstances, I believe a formal decision should be taken to permit the Law School to remain at Osgoode Hall for another year.

Memorandum to the Chairman, The Legal Education Committee

I recommend that approval be given to the proposal that the Law School be accommodated at Osgoode Hall for the academic session 1968-69 in accordance with the general plan indicated above and that the architect of the Law Society be authorized to examine and report upon the provision of the required additional office space.

GELD:HAC "Gerald LeDain"
Attachment
8 November 1967

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE — Mr. Sheard

Your Committee met on the 9th day of November, 1967, the following members being present: Mr. Terence Sheard, Chairman, Mr. W. G. C. Howland, Vice-Chairman, and Messrs. Callon, MacKinnon, Robins and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

David Herbert Bonham. Special — Faculty of Law — Queen's University. Fee $200. Having filed the necessary papers and complied with the requirements of the Admissions Committee is now entitled to be called to the Bar and to be granted a Certificate of Fitness. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Four additional candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1967, making a total of 409 students.

Approved

DIRECT TRANSFER

Markus Cohen (LL.B. University of Toronto 1963; Called to the Bar in Alberta 1964). At its meeting on the 10th November 1966, the Admissions Committee approved Mr. Cohen's request to complete the teaching period of the Bar Admission Course. His plans were postponed and he now applies to proceed under Regulation 2. *Approved*

Clive Langley Rippon (LL.B. University of Dalhousie 1953) was called to the Bar in Nova Scotia in August 1953 and in the same year accepted employment to serve in a legal capacity in the office of the Judge Advocate General where he has been ever since. He applies to proceed under Regulations 2 and 4. *Approved*

UNITED KINGDOM SOLICITOR

Oliver H. Mark is a United Kingdom solicitor and applies to proceed under Regulation 8. *Approved*

UNITED KINGDOM BARRISTER

Samin Khan (B.A. (Honours) Degree Sind University 1948; Barrister-at-Law Lincoln's Inn, 1954) enrolled as an Advocate of the Chief Court of Sindh in 1955. Mr. Khan, on a fellowship, studied American Law at the Southern Methodist University in Dallas, and obtained the degree of Master of Law in 1956, and the degree of Master of Laws in Comparative Laws at the University of Michigan in 1957. He returned to Pakistan in 1957 and has been on the rolls of the West Pakistan High Court ever since. He was enrolled as Advocate of the Supreme Court of Pakistan in December 1964. He seeks to proceed under Regulation 9.

Your Committee recommends that he be advised he cannot qualify under the Society's Regulation.

COMMONWEALTH TRANSFER

Abdul Aziz Khalifa (B.A. The University of Panjab 1955; LL.B. The University of Panjab 1957). He was admitted as a Pleader in the High Court of West Pakistan, Lahore, in 1958 and has been in continuous practice until August 1967. He seeks to proceed under Regulation 11. *Approved*

FULL-TIME MEMBERS OF THE FACULTY
OSGOODE HALL LAW SCHOOL
CALL TO THE BAR

It is the policy of Convocation to Call to the Bar and admit as solicitors members of the full-time Faculty of Osgoode Hall Law School when they have completed one year of teaching and have been reappointed for a second year, without examination and without fee.

The following members of the full-time Faculty ask to be called and admitted in accordance with this policy:

Professor Michael Mark Dennis
Professor William Alexander Walter Neilson
Professor Garrick David Watson *Approved*

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

David Herbert Bonham—Special—Faculty of Law, Queen's University.

DISCIPLINE COMMITTEE — Mr. Gray

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF A BARRISTER AND SOLICITOR

The solicitor failed to reply to the Society's letters to him concerning complaints received by the Society from his clients. Accordingly, a Notice of Complaint was served upon him, returnable before your Committee on the 31st of March 1967. It contained the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you have not replied to letters from The Law Society of Upper Canada in connection with complaints against your professional conduct."

Your Committee met at the appointed time, the following members being present: Mr. Gordon Ford, Vice-Chairman, in the Chair, and Messrs. Bull and McLaughlin. The solicitor did not attend, nor was he represented by counsel. Your Committee proceeded to hear the evidence.

The matter was then adjourned *sine die* and on Mr. Ford's instructions, a new Notice of Complaint was served on the solicitor. It was returnable before your Committee on the 8th of September 1967 and contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you have not replied to letters from The Law Society of Upper Canada dated May 2nd 1967 and May 18th 1967 in connection with complaints against your professional conduct."

In addition, the following Notice was forwarded to the solicitor, also returnable on the 8th of September:

> "TAKE NOTICE that the complaint 'that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that

> you have not replied to letters from The Law Society of Upper Canada in connection with complaints against your professional conduct', dated 23rd March, 1967 and returnable before the Discipline Committee of the Law Society on Friday, 31st March, 1967, was heard by the Discipline Committee on the date of the return of the complaint in your absence, since you failed to appear or be represented by counsel, at which time, after the taking of the evidence, consideration of the evidence was adjourned sine die.
>
> AND TAKE FURTHER NOTICE that since the taking of the said evidence on 31st March, 1967, the Society has received a letter from you dated 8th April, 1967, and the Discipline Committee which heard the evidence on the complaint against you dated 23rd March, 1967, has determined to grant you a further opportunity to attend before it prior to considering the evidence of the said complaint."

Your Committee, constituted as before, reconvened at the appointed time. The solicitor attended without counsel.

The solicitor acknowledged receiving the two Notices of Complaint as well as the Notice. He stated that he had forwarded the missing items to his client by letter dated the 24th of May. The solicitor admitted that he had received the Society's letters of the 2nd of May and the 18th of May. He said it was not his intention to ignore these letters.

With respect to his failure to attend before the Committee in compliance with the first Notice of Complaint, the solicitor stated that because it was an unopened letter marked "Confidential" among papers and letters on his desk, he was unaware of the existence of the Notice until Mr. Robert Anderson, the Society's auditor, brought it to his attention on the occasion of Mr. Anderson's visit to the solicitor's office. This visit was made subsequent to the returnable date of the Notice. The solicitor emphasized that he was not so foolish as to deliberately ignore the Society. He said that he had not replied to the original complaint letters from the Society because he felt the proper course to follow was to complete the work first and then to reply. The solicitor assured your Committee that he would not permit this series of events to occur again.

Upon the evidence before it, your Committee finds each specific complaint to be established, and recommends that the solicitor be reprimanded in Convocation and that he be required to pay the costs of the Society's investigation.

DATED this 8th day of November 1967.

"Gordon W. Ford"
Chairman

Moved by Mr. Gray that the Report be adopted.

The solicitor attended with his counsel, who addressed the Convocation.

Moved in amendment by Mr. Cass, seconded by Mr. Weir, that the name of the solicitor be not published. *Carried*

The Report as amended was adopted.

The solicitor returned and was reprimanded by the Treasurer.

DISCIPLINE COMMITTEE GENERAL REPORT

Your Committee met on Thursday the 9th of November 1967 at 10:30 a.m., the following members being present: Mr. Gibson Gray, Chairman, Mr. Gordon Ford, Vice-Chairman, and Messrs. Beament, Cass, Common, Creighton, Evans, Goodman, H. E. Harris, Levinter, MacKinnon, O'Driscoll, Pattillo, Slemin and Strauss.

HABITUAL OFFENDERS

The Society receives a substantial number of complaints in respect of the practices of certain solicitors. The complaints can usually be resolved after letters are written to the solicitor by the Society. However, a pattern of indifference and carelessness is established as far as the solicitor's practice is concerned. Your Committee has decided as a matter of policy that the Chairman or Vice-Chairman be authorized to invite such solicitor to attend before the Committee to discuss his general practice when, by reason of the volume of complaints or on any other grounds, it appears such an invitation is warranted.

THE REPORT WAS RECEIVED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 9th day of November 1967, the following members being present: Mr. S. E. Fennell, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Callon, Ford, Goodman, Gray, Slemin and Strauss.

RULING 18 — TOUTING, ADVERTISING AND ATTRACTING BUSINESS UNFAIRLY . . . REPORT OF THE SUB-COMMITTEE RE: COLLECTION AGENCIES AND REAL ESTATE

At the October 1966 Convocation, your Committee recommended the appointment of a Sub-Committee to consider the propriety of a solicitor being granted registration under the Real Estate and Business Brokers Act, as real estate agents. Appointment of the Sub-Committee was approved by Convocation. Your Committee has now received the Sub-Committee's Report wherein it recommends that the question of registration of lawyers as real estate brokers be forwarded to the Legislation and Rules Committee for consideration. Your Committee concurs in this recommendation.

STEERING

Your Committee has had its attention brought to letters received by the Society from solicitors setting forth situations which would appear to involve 'steering'.

Your Committee recommends that a Sub-Committee composed of Messrs. Goodman, Callon and O'Driscoll be appointed to consider the subject of 'steering' together with the various Rulings of Professional Conduct in connection therewith.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on the 9th November 1967, the following members being present: Mr. Steele, Chairman, and Messrs. Beament, Cassels, Creighton and Strauss.

GREAT LIBRARY

ACCOUNTS

The budget for the purchase of books for the fiscal year July 1, 1967 to June 30, 1968, for the Great Library is $21,000, and for the Phillips Stewart Library, $15,000. Expenditures to October 31, 1967 are as follows: Great Library — $4,221.62; Phillips Stewart Library — $14,353.54. *Approved*

COUNTY LIBRARIES

PEEL COUNTY LAW ASSOCIATION—*Request for Loan*

At its meeting on the 14th day of September 1967 this Committee recommended that a loan in the amount of $2,400 be made to the Peel County Law Association, provided that security be given as required by Rule 105 of the Rules of the Law Society for the due expenditure and repayment of the money advanced. This recommendation was approved by Convocation at its meeting on the 22nd September 1967.

Your Committee recommends that the security received from Peel County Law Association be accepted in this case as the proper security required by Rule 105.

PERTH COUNTY LAW ASSOCIATION

W. A. Ehgoetz, President of Perth County Law Association, has advised the Law Society that at a recent meeting his Association passed a resolution to the effect that the Law Society give consideration to amending the Rules and increasing the amount of the annual per capita grant to the County Law Associations.

Your Committee recommends that no amendment be made to the Rules, and that the Chief Librarian be instructed to inform Perth County Law Association that any request for financial aid that they wish to make under any specific Rule will be considered by the appropriate Committee.

REPORTING

REASONS FOR JUDGMENT

Your Committee has been asked to consider whether the Provincial Government should be the body responsible for providing to the profession copies of Reasons for Judgment. This service is presently being provided by the Law Society.

Your Committee recommends that the Law Society should continue to provide this service.

RE CANADA LAW REPORTS

At its September meeting this Committee was given notice by way of letters dated the 1st and 5th September 1967 from the Registrar of the Supreme Court of Canada, of the cancellation of the Agreement dated the 2nd January 1963 between Her Majesty the Queen in the Right of Canada and the Law Society of Upper Canada. This Agreement provides for the distribution to the profession of copies of the Canada Law Reports at a cost to the Society of $5. annually for each of its paid-up members.

This Committee is now advised by way of a letter dated 2nd November 1967 from the Registrar of the Supreme Court of Canada that he has been instructed to enter into a new

Agreement with the Society upon the same terms as the prior Agreement, except as to cost to the Law Society which will be $10 annually for each of its paid-up members.

Your Committee recommends that the Contract not be renewed.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Strauss

Your Committee met on Thursday, the 9th November 1967, the following members being present: Mr. Strauss, Chairman, and Messrs. Beament, Callon, Cass, Fennell, Ford, Raney and Steele.

RE: NOTARIES PUBLIC

From time to time the activities of certain notaries public are brought to the attention of the Law Society. In most cases, however, the evidence available is insufficient to support a prosecution against the notaries under Section 6 of The Solicitors Act.

Section 7(2) of The Notaries Act, Statutes of Ontario 1962-63, reads as follows:

> "2. The Lieutenant Governor may revoke the commission of a notary public upon his conviction for an offence against this Act or for any other conduct that in the opinion of the Lieutenant-Governor, upon the recommendation of the Attorney General, renders him unfit to hold the office of notary public."

The question has been raised as to whether the Law Society should forward to the Department of the Attorney General copies of relevant material in respect of these notaries so that this Department may have this information on hand for its consideration when application for the renewal of the notary's appointment is made by the respective notary public.

Your Committee recommends that any information received by the Law Society and which indicates any misconduct on the part of a notary public, should be forwarded to the Department of the Attorney General for its files.

RE: A DISBARRED SOLICITOR

The Law Society has received information to suggest that a chartered accountant is doing incorporation work, and that the person actually doing this work is a disbarred solicitor who is apparently employed by the accountant. Inquiries have been made to County Law Associations in the area as to the activities of these men, and your Committee has instructed its Secretary to obtain information as to companies that these men may be incorporating.

RE: CHARTERED ACCOUNTANTS INCORPORATING COMPANIES

Page 2 of the October 4, 1967 "BULLETIN" from the Institute of Chartered Accountants of Ontario was referred to your Committee for its information.

This Bulletin brings to the attention of the profession of chartered accountants the view of the Law Society that the practice of incorporating companies by chartered accountants constitutes unlawful practice contrary to The Solicitors Act, R.S.O. 1960. The Bulletin also brings to the attention of the members of the Institute the recent conviction under this Act against a chartered accountant for engaging in such practice. The Bulletin further encourages its members to avoid action which would tend to impair the harmonious relationship presently existing between the two professions.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE — Mr. Henderson

Your Committee met the 9th November 1967, the following members being present: Mr. Goodman, Vice-Chairman, in the Chair, and Messrs. Evans, H. E. Harris, O'Driscoll and Pattillo.

Mr. Merrill Denison attended at the Chairman's invitation, to answer questions, but left the meeting before the discussion took place.

CENTENNIAL PROJECT

In April of this year the Committee asked Mr. Merrill Denison to report on the feasibility of the Society commissioning a history of the legal profession in Ontario. In the intervening period Mr. Denison has done considerable research and his report in the form of a letter dated November 6, 1967, was before the Committee and is attached hereto forming part of this Report.

Your Committee recommends that the project be undertaken, and that Mr. Goodman be empowered to discuss with the Chairman of the Finance Committee a plan for financing the project out of the general funds of the Society for presentation to Convocation.

Your Committee recommends that the agreed fee now be paid to Mr. Denison for his Report.

NOTE: A summary of Mr. Denison's lengthy report will appear in The Law Society Gazette.

CONVOCATION ADJOURNED at 12:40 o'clock, and RESUMED at 2 o'clock, a quorum being present.

Moved by Mr. Henderson that the Report be adopted.

Moved by Mr. Robins, seconded by Mr. Levinter, that the second last paragraph of the Report be amended to read:

> "Your Committee recommends that the project be approved in principle, subject to appropriate financial plans being prepared by the Committee and approved by Convocation." *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

CONTINUING EDUCATION COMMITTEE — Mr. Robins

Your Committee met on the 9th November 1967, the following members being present: Mr. Robins, Chairman, and Messrs. Cass, Gray, Howland, Maloney, MacKinnon and Slemin.

Your Committee recommends that the title of the Continuing Education lectures for the year 1968 be — "Developments in Company Law".

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE

Mr. R. F. Wilson

Your Committee met on Thursday the 2nd of November 1967, the following members being present: Mr. R. F. Wilson, Chairman, Messrs. Evans, Roberts, Robins and Sheard, and Messrs. D. A. Berlis, W. B. Common and L. R. MacTavish, who attended at the Chairman's invitation.

Your Committee had before it correspondence from a member of the Bar of New York who had been a Canadian citizen and was called to the Bar of Ontario in 1960 before moving to the United States. The letters raise the question whether a member of our Bar must remain a British subject in order to maintain his membership. Your Committee recommends that no addition to the proposed draft Law Society Act be made to create a class of members of the Bar of Ontario who are not British subjects or Canadian citizens.

Your Committee also considered a number of the Society's Rules and suggested a number of changes relating mostly to administrative procedures.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON ORGANIZATION OF CONVOCATION AND COMMITTEES — Mr. Robins

Your Committee met on the 9th November, 1967, the following members being present: Messrs. Robins, Chairman, Callon, Howland, Steele and R. F. Wilson.

1. Your Committee gave careful consideration to the question of an annual meeting of the Society, and recommends unanimously that there should be an annual meeting of the members of the Society at such time and in such place as Convocation may from time to time determine.

Your Committee further recommends that the following be the matters to appear on the agenda of the Annual Meeting:

(1) Minutes of previous annual meetings.
(2) Matters arising from the Minutes.
(3) Report of Treasurer.
(4) Reports of Standing Committees of the Society.
(5) Presentation of Financial Statement.
(6) Matters of professional interest.

Your Committee also recommends that notice of the annual meeting be given one month before the date of the meeting by publication in the Ontario Reports.

2. *Election of Benchers — Regional representation*

With respect to the question of regional representation in the election of Benchers, your Committee after giving the matter careful thought and after a full discussion, recommends that at each quinquennial election the fifteen (15) Benchers from Metropolitan Toronto having the highest number of votes, be elected; and that the first fifteen (15) from elsewhere in Ontario having the highest number of votes be elected.

3. *Secret Ballot*

The question of the means by which the ballot is to be made secret was referred to the Chairman and the Secretary.

The Report was considered paragraph by paragraph.

The first paragraph was adopted; the second rejected; and the third adopted.

LEGAL AID PROGRAMME COMMITTEE

Mr. Beament presented the Report.

Your Committee met on Friday, the 10th day of November, 1967, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Borczak, Common, Fairbairn, Gray, Sale and Waugh.

THE CONTROLLER'S REPORT

The Report of the Controller for the seven months ended October 31, 1967, containing a summary of the applications, a summary of the certificates issued, the number of persons assisted by Duty Counsel and a summary of the disposition of applications to appeal under Section 17(10) and Section 14(4) of the Act was submitted to and accepted by the Committee.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area. Your Committee recommends that the following be appointed members of the Legal Aid Committee for the following areas:

Carleton County
Henri Saint Jacques, Jr., Solicitor

Lincoln County
Alfred J. L. Chapman, Solicitor
Joseph J. Zabek, Solicitor

Resignations

Victoria & Haliburton Counties
J. Richard Gorwill, Solicitor

Lincoln County
Irving Freeman, Solicitor
F. J. Keenan, Q.C.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON THE APPOINTMENT OF QUEEN'S COUNSEL — Mr. Fennell

At Convocation held on 19th February 1965, your Special Committee was appointed consisting of S. E. Fennell, Chairman, G. E. Beament, G. W. Ford, D. A. Keith, R. F. Wilson.

The terms of reference to your Committee were as follows—

> "That the practice and procedure for the appointment of Queen's Counsel in the Province of Ontario is unsatisfactory, causing an honourable distinction to be brought into disrepute and contempt, and that the Treasurer be authorized to appoint a special committee to consult with the Attorney-General for Ontario with a view to introducing a procedure which would ensure that the appointment of Queen's Counsel would be such as to enhance the honour of the Bar."

This matter has been considered by Special Committees of Convocation on previous occasions. In 1947, a special committee was appointed under the chairmanship of J. W. Pickup, Q.C., as he then was; and a few years later, another special committee was appointed under the chairmanship of Mr. Joseph Sedgwick, Q.C. The appointment of Queen's Counsel was considered by the Council of the Canadian Bar Association in 1947, and a resolution which was passed was submitted to the Conference of Governing Bodies. A report of these discussions was prepared by Mr. Earl Smith, Q.C., and dated 6th February, 1948.

Your Committee had material, previously prepared, brought up to date, such as:—

—the practice in other provinces;

—the number of lawyers in practice in the various provinces and the number who were entitled to use the title of Q.C.

—and a list of the lawyers who were Q.C.'s at the time of their disbarment in Ontario. The announcement of your Committee's appointment has attracted comment, correspondence and suggestions, all of which have been considered.

Your Committee is of the opinion that the appointment of a Queen's Counsel should, basically, be a professional honour reflecting a high standard of legal ability and professional conduct. Some other professions have such a distinction:

> The Institute of Chartered Accountants of Ontario have approximately 6,000 members; about 5% of their number are awarded the degree of F.C.A. Among the chartered accountants, this is considered a real honour. The per-

> centage is not intentional and it may vary a little but usually works out to approximately this figure. There is nothing in the accountants' statute dealing with the matter, but it is dealt with by by-laws under the statute.
>
> The Ontario Association of Architects appear to have various group of letters after their name but the commonest are M.R.A.I.C. and F.R.A.I.C., being respectively Members and Fellows of the Royal Architectural Institute of Canada. All architects must be members of their professional licencing bodies, and automatically become members of the R.A.I.C. and a special fee is paid by each member to that body. There is a College of Fellows with a Dean and Chancellor, and this College award the fellowships. About 8% of the profession are Fellows, and it is a real honour. Oddly enough, the degree of F.R.A.I.C. (England) is not highly regarded in Canada as the British Association gives the Fellowship rather freely.
>
> In the medical profession, there would appear to be nothing corresponding to the appointment of Queen's Counsel. There is a Royal College of Physicians and Surgeons and they award the degree of F.R.C.S. and F.R.C.P., but these are by examination. There is also a Certificate of Specialization, and this is also by examination.

It must be recognized that the Letters Patent appointing a Queen's Counsel is issued pursuant to The Barristers Act, R.S.O. 1960, Chapter 30. In practice, this is done on the advice of the Ministers of the Crown. The legal profession, as an organized body, has no voice in the appointments. As it is a matter of Statute, any change requires a change in the Statute or, alternatively, perhaps, a change in the manner of making recommendations.

With this basic principle in mind, your Committee had meetings and correspondence with the Attorney General. On each occasion, your Committee was well and courteously received, and the subject was thoroughly discussed. In the result, the Attorney General has advised the Committee that the Government is not prepared to make any change in the granting of the Letters Patent.

In view of the position taken by the Government as communicated by the Attorney General, it appears that there is no useful purpose in this Committee being continued, and we recommend that the Committee be dissolved.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON SURROGATE COURT TARIFFS

The report of the Committee as adopted in June, 1967, was brought before Convocation for further discussion. No motion to amend the report was made. The report will now be forwarded to the Rules Committee.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 19th day of January 1967.

Brendan O'Brien,
Treasurer

MEETING OF SPECIAL CONVOCATION

Tuesday, 2nd January 1968
2 p.m.

PRESENT:

The Treasurer and Messrs. Arnup, Bowlby, Bull, Cass, Common, Ford, Gray, W. E. Harris, Levinter, Maloney, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Robinette, Robins, Sheard, Slemin, Strauss, Thom and R. F. Wilson.

The Treasurer mentioned the deaths of Mr. G. W. Mason, Q.C., and Mr. W. Earl Smith, Q.C., which had occurred since the last meeting of Convocation. The Treasurer said that a more complete statement would be made at the next regular meeting of Convocation.

DISCIPLINE COMMITTEE

Mr. Gray, Chairman, presented the Report.

RE: JOHN SZCZEGLIK, Welland

IN THE MATTER OF THE LAW SOCIETY ACT and
IN THE MATTER OF JOHN SZCZEGLIK OF THE CITY
OF WELLAND, A BARRISTER AND SOLICITOR.

Complaint having been received concerning the solicitor's professional conduct, Notice of Complaint was served upon him, returnable before your Committee on Monday the 20th of November 1967 at 10:30 a.m. It contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times, and particularly in the month of November 1967, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds;
> 2. Contrary to Rule 11 of the Rules Respecting Accounts, on or about the 7th day of November 1967, failed to produce all evidence, vouchers, records, books and papers required by a Chartered Accountant who was authorized by the Law Society to make an investigation of your professional books and records although you were requested so to do by the said Chartered Accountant;
> 3. Failed to account for the sum of $8,480.00, more or less, received from a mortgage corporation in or about the month of August, 1967, in connection with a mortgage loan, although you were requested so to do by the corporation."

Your Committee met at the appointed time, the following members being present: Mr. Isadore Levinter, Chairman, and Messrs. Bull, H. E. Harris, Maloney and O'Driscoll. The solicitor attended without counsel.

Upon the evidence before it, your Committee finds that charges one, two and three to be established.

Your Committee recommends that the solicitor be disbarred and his name struck off the Rolls of the Law Society of Upper Canada.

John Szczeglik was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 16th day of September, 1960.

All of which is respectfully submitted.

Dated the 18th day of December 1967.

"I. Levinter"
Chairman

Your Committee reported that after due inquiry it found the solicitor guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that he failed to maintain at all times sufficient money on deposit in his trust bank account to satisfy his indebtedness to clients for trust funds; failed to produce all evidence, vouchers, records, books and papers required by a Chartered Accountant who was authorized by the Law Society to make an investigation of his professional books and records and failed to account for a sum of money received by him in connection with a mortgage loan.

Moved by Mr. Gray, seconded by Mr. Ford that the Report be adopted.

The solicitor did not attend, nor was he represented by counsel.

Convocation was furnished with proof of service of the Report and accompanying letter advising when and where the Report would be considered.

The motion was carried.

It was accordingly ordered

1. THAT the Report of the Discipline Committee in the matter of JOHN SZCZEGLIK, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JOHN SZCZEGLIK guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said JOHN SZCZEGLIK be disbarred.
4. THAT the said JOHN SZCZEGLIK is unworthy to practice as a Solicitor.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 19th day of January 1968.

Brendan O'Brien
Treasurer.

MEETING OF CONVOCATION

Friday, 19th January 1968
10 a.m.

PRESENT:

The Treasurer, and Messrs. Arnup, Beament, Bowlby, Bull, Callon, Cass, Chappell, Clement, Common, Evans, Fennell, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Levinter, Maloney, G. A. Martin, MacKinnon, O'Driscoll, Pepper, Raney, Robins, Roebuck, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of the meeting of Convocation of the 17th November 1967 and of the Special Meeting of Convocation of the 2nd January 1968, were read and approved.

BENCHERS

The Treasurer paid tribute to the late Gershom W. Mason, Q.C., former Treasurer, who died on Dec. 10, 1967.

The Treasurer further paid tribute to the late *William Earl Smith,* former Secretary, and Honorary Bencher who died on Dec. 28, 1967.

COMMITTEE MEMBERSHIP

On motion duly made, Mr. S. L. Robins, Q.C., was appointed to the Special Committee on Activities of Students-at-law.

FINANCE COMMITTEE—Mr. R. F. Wilson

Your Committee met on the 11th day of January 1968, the following members being present: Mr. R. F. Wilson, Chairman, and Messrs. Fennell, Henderson, Levinter, Pepper, Sheard, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st November to the 31st December, 1967, accounts, including Library Accounts, properly approved, to the amount of $166,717.06 have been paid.

The Secretary also reports that from the 1st November to the 31st December, 1967, Legal Aid accounts to the amount of $186.40 has been paid. *Approved*

FINANCIAL STATEMENT

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 31st December 1967. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointments to the Bench*

That the following former members of the Law Society have been honoured in their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

F. L. Gratton, Q.C., Sudbury	Called—28 September 1950 Appointed Judge, District Court, Nipissing District, November 8, 1967.
Paul I. B. Staniszewski, Toronto	Called—24 June 1954. Appointed Junior Judge, Essex County, December 20, 1967.
Maitland G. Gould, Q.C., North Bay	Called—16 June 1932. Appointed Junior Judge, District of Algoma, January 1, 1968.

Noted

(2) *Deaths*

That the following former members of the Law Society have died:

Frederick M. Burbridge, Q.C., Winnipeg. (Honorary Life Member)	Called—28 June 1904, Deceased—24 January 1967.
Julius L. Eustace, Fort Frances	Called—20 March 1947, Deceased—7 August 1967.
C. H. S. Martin, Toronto	Called—21 November 1929, Deceased—12 September 1967.

James R. Mingay, Windsor	Called—18 June 1942, Deceased—20 January 1967.
Gordon T. Walmsley, Q.C., Picton	Called—13 September 1923, Deceased—3 November 1967.
J. Armand Cousineau, Q.C., Timmins	Called—20 September 1928, Deceased—4 November 1967.
James V. Goulasarian, Brantford	Called—25 March 1966, Deceased—10 November 1967.
Mary E. G. Waddell, Q.C., Toronto	Called—16 October 1924, Deceased—14 November 1967.
John W. Teskey, Toronto	Called—18 September 1930, Deceased—16 November 1967.
Percy W. Beatty, Q.C., Caledon East (Honorary Life Member)	Called—22 May 1914, Deceased—18 November 1967.
William J. Mars, Niagara Falls	Called—18 November 1920, Deceased—19 November 1967.
Joseph Singer, Q.C., Toronto (Honorary Life Member)	Called—24 November 1911, Deceased—22 November 1967.
Gerald M. Malone, Q.C., Toronto (Honorary Life Member)	Called—16 September 1915, Deceased—9 December 1967.
Edward A. Anglin, Q.C., Ottawa	Called—20 September 1928, Deceased—9 December 1967.
Gershom W. Mason, Q.C., Toronto (Honorary Life Member)	Called—19 May 1905, Deceased—10 December 1967.
James A. R. Grant, London	Called—18 September 1947, Deceased—December 1967.
W. Earl Smith, Q.C., Toronto	Called—19 May 1921, Deceased—28 December 1967.
Solomon Allen, Toronto	Called—20 October 1927, Deceased—7 January 1968.

Noted

(3) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

John Szczeglik, Welland	Called — 16th September 1960 Struck off the rolls — 2nd January 1968.

Noted

RESIGNATIONS

Your Committee considered and approved applications to be allowed to resign their membership in the Society, from the following:

Laura Aileen Steele, Ottawa
Donald Douglas, Q.C., Toronto
Clifford Wallace Brock, Winnipeg.

In each case your Committee was satisfied that the circumstances justified waiving the requirements set out in the Rule Respecting Resignations.

CHANGE OF NAME

Dennis Dushan Kroul — By Order of His Honour Judge Macdonell dated the 21st November 1967, the name of "Dennis Dushan Krulj" was changed to "Dennis Dushan Kroul". He asks that the necessary changes be made on the rolls and records of the Society.

Your Committee recommends that the request be granted.

Hersh Eric Bromley — By Order of His Honour Judge Sheppard dated the 30th day of October 1967, the name of "Hersh Eric Bogomolny" was changed to "Hersh Eric Bromley". He asks that the necessary changes be made on the rolls and records of the Society.

Your Committee recommends that the request be granted.

RULES — *Estimates*

The question is before the Committee whether the provisions in the present Rules dealing with the time for delivery and consideration of estimates by Standing Committees should be changed so that the Committees might adopt their estimates in May rather than September.

Approved

THE REPORT AS AMENDED WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Sheard

Your Committee met on the 11th day of January 1968 at 2:00 p.m., the following members being present: Mr. Terence Sheard, Chairman, and Messrs. Callon, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular cases are now entitled to be called to the Bar and to be granted Certificates of Fitness:

1. Michael Mark Dennis — Special — Faculty of Law — Osgoode Hall Law School — No fee.
2. William Alexander Walter Neilson — Special — Faculty of Law — Osgoode Hall Law School — No fee.
3. Garrick David Watson — Special — Faculty of Law — Osgoode Hall Law School — No fee.

Approved

DIRECT TRANSFER

C. T. Asplund obtained the LL.B. degree from Harvard University in 1963. He articled in Calgary and was admitted to the Bar there in July 1964. He seeks to proceed under Regulation 2.

Approved

Robert Frederick Lindsay (M.A. University of Toronto May, 1959; LL.B. University of Dalhousie May 1963), was called to the Bar of the Province of Nova Scotia in December 1963. He seeks to proceed under Regulations 2 and 4.

Approved

James R. McNamee (LL.B. University of Alberta 1960) was called to the Bar in Alberta in January 1962. He seeks to proceed under Regulation 2.

Approved

Erik Nielsen, Esq., D.F.C., Q.C., M.P. (Yukon), (LL.B. Dalhousie University) was called to the Bar in Nova Scotia in 1951. He seeks to proceed under Regulation 2.

Approved

UNITED KINGDOM SOLICITOR

Tin Sun Tong has produced a current practising certificate as an English solicitor and asks to be allowed to proceed under Regulation 8.

Approved

COMMONWEALTH TRANSFERS

Ch. Abdul Rashid (Bachelor of Science Degree, Government College, Lahore, University of the Panjab 1960). He seeks to proceed under Regulation 11.

Approved

Gurbux Singh Chugani (B.A. University of Agra 1955; LL.B. University of Bombay 1961). He seeks to proceed under Regulation 11.

Approved

Rameshwar Lall Gupta first applied to the Admissions Committee in March 1967, and was approved for entrance into the Bar Admission Course but was unable to proceed then. He now re-applies to enter the 1968 Bar Admission Course.

Approved

Enver Hassim (B.A. University of the Witwatersrand South Africa, 1949; LL.B. University of the Witwatersrand 1954), was admitted to practise in the Province of the Transvaal by Order of the Supreme Court in May 1954. He seeks to proceed under Regulation 11.

Approved

Mayank Mangaldas Mehta (LL.B. Government Law College, University of Bombay 1956). He seeks to proceed under Regulation 11.

Approved

Jesudasan Mitter, obtained a B.A. degree in Economics 1956, and the degree of LL.B. in 1958 both from Madras University, India. He seeks to proceed under Regulation 11.

Approved

Umakant Ishwerlal Vyas (B.A. Gujarat University 1960; LL.B. Gujarat University 1963). He seeks to proceed under Regulation 11.

Your Committee recommends approval subject to his completing five years of practice within the Commonwealth.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January, 1968, is before the Committee. Four candidates sat the examination. Two candidates have passed. Two have failed.

Approved

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Michael Mark Dennis — Special — Faculty of Law — Osgoode Hall Law School
William Alexander Walter Neilson — Special — Faculty of Law — Osgoode Hall Law School
David Garrick Watson — Special — Faculty of Law — Osgoode Hall Law School.

LEGAL EDUCATION COMMITTEE—Mr. Howland

Your Committee met on the 11th day of January 1968 at 2:30 p.m., the following members being present: Mr. Terence Sheard (in the Chair) and Messrs. Callon, MacKinnon, Slemin and Thom.

BAR ADMISSION COURSE

FACULTY

The Director submits the following memorandum:

"The Honourable Mr. Justice Keith resigned at the end of the Civil Procedure II Course last November as Head of such Section. Mr. Keith has made an outstanding contribution during his years as the Head of this Course.

I recommend to the Committee the appointment of Mr. David W. Griffiths, Q.C., to succeed the Honourable Mr. Justice Keith. He has been his assistant for the past several years and is a partner in the firm of Messrs. Cassels, Brock, DesBrisay, Guthrie, Griffiths & Genest. Mr. Griffiths is well acquainted with all aspects of the Course."

Approved

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Criminal Procedure

M. H. Harris, Esq., Instructor.
D. R. H. Heather, Esq., Instructor.
C. M. Powell, Esq., Instructor.

A. Whealey, Esq., Instructor.
R. E. Salhany, Esq., Stand-by Instructor.

Domestic Relations

H. D. Wilkins, Esq., Instructor.
P. B. Tobias, Esq., Instructor.
J. D. Sheard, Esq., Instructor.
A. S. Cooper, Esq., Instructor.
D. J. Catalano, Esq., Stand-by Instructor.
L. K. Ferrier, Esq., Stand-by Instructor.

Estate Planning

S. H. Martin, Esq., Instructor.
J. A. Fehrenbach, Esq., Stand-by Instructor.

Surrogate Court Practice

J. Romanko, Esq., Instructor.
J. H. Drew, Esq., Instructor.
G. B. Clapperton, Esq., Instructor.
D. A. Smith, Esq., Instructor.

Approved

OSGOODE HALL LAW SCHOOL

ANNUAL REPORT

The Annual Report of the Associate Dean is before the Committee.

Your Committee recommends that the report, a copy of which is attached forming part of this Report, be received.
11th January, 1968.

"W. G. C. Howland"
Chairman

OSGOODE HALL LAW SCHOOL

3rd January, 1968

W. G. C. Howland, Esq., Q.C.,
Chairman, Legal Education Committee,
Law Society of Upper Canada,
Osgoode Hall,
Toronto 1, Ontario.

Dear Sir,

I have the honour to present the Annual Report of the Osgoode Hall Law School for the Academic Year 1966-67.

GENERAL

During this Session, I continued as Acting Dean while the Faculty, Governing Body and York University co-operated in the task of finding the most suitable person to assume the duties of Dean. Many difficulties were caused by the absence of a permanent Head, but, as far as possible the Law School continued to operate normally. In April 1967, Gerald E. LeDain, Q.C. accepted the office of Dean, and, although he did not take up his appointment formally until July 1st, 1967, it was possible for full consultation to be made on all matters affecting the School.

The details of the Affiliation with York University had been settled during the Academic Session 1965-66, and the succeeding year was spent implementing those details. Most of the Faculty devoted a considerable amount of time and effort in planning, both pedagogically and physically, for the new school. In particular, Professor Hefferon assumed the task of working with York and the architects in designing a building which would complement the ideals of the new school. Professor Arthurs took over the problems of co-ordinating the Faculty's work. In a spirit of co-operation and optimism the new school took shape during this crucial year.

At Osgoode Hall, space continued to be the most serious problem. The increased size of the student body in the Bar Admission Course and the increase in the size of the Law School Faculty necessitated using all available space either for teaching purposes or as offices. The Governing Body most generously did not fail to make any necessary alterations, although knowing that the investments were only for a short-term period. Mr. R. J. Roberts continued to do what he could to alleviate the already difficult overcrowding. While classroom space and office space were adequate, seminar rooms were and continue to be the major source of difficulty. However, by manipulating the curriculum, the year passed as smoothly as could be expected.

During the latter part of the year, it was realized that further accommodation would have to be found to provide for additional Faculty members and secretarial facilities and this has now been provided. As well, the Phillips Stewart Library under the direction of Professor Halevy, commenced its expansion and increased office space for his additional staff was provided by converting an adjoining seminar room. The library staff itself moved from 3 to a total of 6 and has subsequently been further increased.

As I reported last year, the task of implementing the affiliation with York University presented a number of administrative difficulties. While there were no major curriculum revisions, planning proceeded on the assumption that the move to York would facilitate a more enriched, cross-discipline programme. The academic standards were altered for entering students so as to conform as closely as possible to those obtaining generally at York. Furthermore, the library began to assume the dual aspect of the Phillips Stewart Library and the Law Library of York University and a number of cross-appointments were made. In spite of these problems, it is clear that the process of affiliation progressed smoothly and in a most encouraging manner.

STAFF

There were two resignations from the full-time Faculty announced in the course of the year. Professor M. R. MacGuigan was appointed Dean of the Faculty of Law at the University of Windsor and Professor P. S. A. Lamek resigned to enter practice. In addition the term of appointment of the three Teaching Fellows, R. Tedd, R. Kidner and G. S. Chandra expired. It was also a matter of considerable regret that W. G. C. Howland, Esq., Q.C., and G. Arthur Martin, Esq., Q.C., relinquished their lectureships in Real Estate Transactions and Criminal Law respectively. The Faculty is particularly grateful to Mr. Howland and Mr. Martin for their many years of devoted service to the School.

As reported earlier, the planning for the School at York necessitated a gradual increase in the size of the Faculty and the following appointments were made, not only to replace Faculty members who had resigned, but also to increase the size of the total staff.

Dean:

Professor G. E. LeDain, Q.C., B.C.L. (McGill, D. de l'Univ. (Lyon), Professor of Law, McGill.

Full Professor:

B. J. Halevy, LL.B. (London), M.C.L. (Tulane), M.S. (Columbia)

S. M. Beck, B.A., LL.B. (U.B.C.), LL.M. (Yale), Associate Professor, Queen's University.

I. R. Feltham, B.A., LL.B. (U.B.C.), B.C.L. (Oxon).

Associate Professor:

W. S. Tarnopolsky, B.A., LL.B. (Sask.), A.M. (Cal.), LL.M. (London), Associate Professor, University of Saskatchewan.

Assistant Professor:

D. J. Brown, B.A. (Man.), LL.B. (Osgoode), LL.M. (Harvard), Professor, University of Singapore.
D. M. Priestly, B.A., LL.B. (U.B.C.), M.L.L. (Washington)

Teaching Fellows:

J. Bleechmore, LL.B. (Melbourne)
G. M. Dyson, B.A. (Oxon)
J. W. Gendall, LL.M. (Wellington).

In addition, Professor A. M. Linden returned from leave of absence; Professor D. W. Mundell was granted further leave of absence until January 1st, 1968, and Professor R. A. Samek, B.A., LL.B., M.A., M.Litt., M.Com. was appointed Visiting Professor until December 31st, 1967.

ADMISSIONS AND ENROLMENT

Admissions to the First Year were 208, of whom 6 were repeaters. There were 173 enrolled in Second Year, and 167 in Third Year, for a total of 548. There were 12 registered graduate students and 2 special students for a total student body of 562, an increase of 25 over the previous year.

ACADEMIC RECORD

At the Spring Convocation 155 LL.B. degrees and one LL.M. degree were awarded. The untimely death of Dean C. A. Wright of the Faculty of Law, University of Toronto rendered it impossible to award him the degree of LL.D. (Honoris Causa) as had been planned. Instead, a citation was read and presented to Mrs. Wright. The Hon. Pierre Elliott Trudeau, Minister of Justice, delivered the Convocation address.

At the Fall Convocation on October 20th, 1967, ten LL.B. degrees and two LL.M. degrees were awarded, with Mr. Justice Stark of the Ontario Supreme Court delivering the Convocation address. In the Prize Ceremony which followed, seven students in Second Year, and five in Third Year were awarded prizes and scholarships.

RESEARCH, HONOURS, ETC.

One significant fact has been the increased demand on the time of members of the Faculty in the public service of the Government of Canada and of the Provinces:

Dean G. E. Le Dain:
Member, Minister of Justice's Special Council on the Constitution.

Professor H. W. Arthurs:
Chief Adjudicator, Public Service Staff Relations Board. (Federal).

J. G. Castel:
President, Private International Law Committee, Commission to Revise the Civil Code of Quebec.

S. M. Beck:
Member, Federal Task Force Investigating the Company Law of Canada.

D. Mendes da Costa:
Member, Law of Property Project, Ontario Law Reform Commission.

A. W. Mewett:
Director, Law of Evidence Project, Ontario Law Reform Commission.

J. D. Morton:
Research Director, Minister of Justice's Committee on Corrections.

D. W. Mundell:
Counsel, Ontario Royal Commission on Civil Rights.

W. A. W. Neilson:
Member, Federal Task Force Investigating the Structure of Canadian Industry.

W. S. Tarnopolsky:
Adviser, Special Counsel to Minister of Justice on the Bill of Rights.

This represents a trend which is likely to continue in the future.

PUBLICATIONS:

In addition, a number of articles were written by members of the Faculty which appeared in Canadian and American legal journals:

D. J. Brown:
"Establishment of Collective Bargaining Relationships under the Industrial Relations Ordinance, 1960". Malaya Law Review, Vol. 9, No. 1, p. 292.

"Regulation and Administration of Industrial Relationships in Singapore", Chapter VIII, "Crucial Issues in Industrial Relations in Singapore" by W. E. Chalmers, Donald Moore Press Lt., Singapore, pp. 312.

S. R. Peck:

A Behavioural Approach to the Judicial Process: Scalogram Analysis. 5 Osgoode Hall L.J. (1967).

The Supreme Court of Canada 1958-1966. A Search for Policy Through Scalogram Analysis — Can. Bar. Review, December 1967.

Cases and Materials on Judicial Process — mimeograph. Prepared January to April, 1967 (to be revised).

A. W. Mewett:

Criminal Law, 1867 — 1967, 44 Can. Bar Rev. (1967).

Ed. Canada. Laws, statutes, etc. Martin's Annual Criminal Code 1963—

Managing Editor, Criminal Law Quarterly 1966 — (numerous comments, editorials and notes).

W. S. Tarnopolsky:

"Civil Liberties in Flux; Assertion and Redefinition of the Rights of Man", chapter in *Transition* — Policies for Social Action, ed. J. B. Fotheringham, Toronto: McClelland & Stewart, 1966.

"Freedom of Expression v. Right to Equal Treatment — The Problem of Hate Propaganda and Racial Discrimination" (1967) Centennial issue of *U.B.C. Law Review* and *Cahiers de Droit* 43.

Book Review — Carrothers, *Collective Bargaining Law in Canada* (1966), 44 *Can. Bar Rev.* 693.

"The Student Protest Movement", *World Review,* February, 1966, published by U.N.A. in Canada.

D. W. Mundell:

Editor, Title "Administrative Law", 1 Can. Abr. (2nd) 1967.

Editor, Title "Constitutional Law", 7 Can. Abr. (2nd) 1967.

A. M. Linden:

The Machinery of Law Reform in Canada. (Printed in Transition — Policies for Social Action (1966).

A Challenge of Law Reform, (1966) 9 Can. Bar. J. 268.

Automobile Accident Compensation in Ontario — A System in Transition, (1967), 15 Am. J. Comp. L. 301.

Changing Patterns of Hospital Liability in Canada (1967), 5 Alta L. Rev. 212.

Automobile Equipment Legislation and Tort Liability (1967), 5 Western L. Rev. 76.

The Processing of Automobile Claims (1967), 34 Ins. Couns. J. 50.

Speeding as Negligence (1967), 10 Can. Bar J. 94.

The Prevention of Traffic Accidents (1967), 15 Chitty's L.J. 80.

Automobile Cases in the British Columbia Courts (1967), 3 U.B.C. L. Rev. 194.

A Century of Tort Law in Canada: Whither Unusual Dangers, Products Liability and Automobile Accident Compensation? (1967), 45 Can. Bar Rev.

Tort Liability for Breach of Automobile Lighting Legislation: — Comment on Sterling Trust Corp. v. Postma, (1967) 45 Can. Bar Rev. 121.

Book Review, Hermann, Better Settlements Through Leverage (1966), 14 Chitty's L.J. 394.

P. C. Weiler:

"Defamation, Enterprise Liability and Freedom of Speech" (1967), Toronto Law Journal.

G. E. Parker:

Recent Developments in the Law of Evidence in Special Lectures of the Law Society of Upper Canada, 1966, 157-206.

The United States Supreme Court and the Police (1966), 9 Crim. L.Q. 54-74.

Legal Education in Canada (1966), 12 The Student Lawyer 20-22.

The Intoxicated Offender — A Problem of Responsibility. (1966), 44 Can. Bar Rev. 563-609.

Juvenile Delinquency in Canada. A Lawyer's View. 7 Brit. J. of Crim. 216-221.

Some Historical Observations on the Juvenile Court, (1967) 9 Crim. L.Q. 467-502.

Respectfully Submitted.
Allan W. Mewett,
Associate Dean.

THE REPORT AS AMENDED WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Gray,

In the Matter of the Law Society Act and in the Matter of YVES PARISIEN of the City of Ottawa, a Barrister and Solicitor.

On the 16th day of August 1967 a Notice of Complaint was served upon the Solicitor by registered mail in accordance with the Rules containing the following specific complaint:

> "*TAKE NOTICE* that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you, early in 1964, invested a client's funds in a security given by a corporation in which you had a substantial interest without disclosing your interest in the corporation as required by sub-section 2 of Ruling 14 of the Rules of Professional Conduct of the Society and without your client being represented in the transaction by an independent solicitor; namely the sum of $29,000.00, more or less which you invested for the said client upon the security of a mortgage given by the said corporation."

Your Committee met on the 23rd day of November 1967 the following members being present: Mr. Sydney Robins, Chairman, and Messrs. Chappell, MacKinnon and Cass.

The Solicitor attended with his counsel and evidence was received. It appeared from the evidence that the solicitor has now made arrangements satisfactory to the client to pay him the amount of his mortgage. A letter dated the 21st of November 1967 addressed to the Law Society and signed by the client stated as follows:

> "I hereby withdraw, as against Yves Parisien, any or all complaints in respect of any or all proceedings presently before the Law Society of Upper Canada or the Discipline Committee thereof. Certain arrangements have been made with Mr. Parisien which are satisfactory to myself."

Upon the evidence before it your Committee finds the complaint to be established and recommends that the Solicitor be reprimanded in Convocation and that he be required to pay the costs of the Society's investigation. Your Committee further recommends that the fact of the reprimand of the Solicitor be published in the Ontario Reports.

Mr. Yves Parisien was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 18th day of September 1959.

All of which is respectfully submitted.

Dated this 4th day of January 1968.

"Sydney L. Robins"
Chairman

The solicitor attended with his counsel, Mr. Lloyd Houlden, Q.C. Mr. Houlden addressed Convocation and asked that the solicitor's name not be published in the Ontario Reports.

Moved by Mr. Levinter, seconded by Mr. G. A. Martin, that the name of the solicitor be not published.

The amendment was lost, and the Report was adopted.

The solicitor returned and was reprimanded before Convocation by the Treasurer.

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF A BARRISTER AND SOLICITOR.

As a result of the solicitor's failure to file auditor's reports or statutory declarations in lieu thereof for the years ending November 30th 1965 and November 30th 1966, as required by Rule 9 of the Rules Respecting Accounts, the Society instructed Messrs. Clarkson, Gordon & Co. to attend at the solicitor's office. The result of this attendance was a report dated the 2nd of May 1967 on the basis of which a Notice of Complaint was issued, containing the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you failed to maintain books, records and accounts in connection with your practice in accordance with Rules 7 and 8 of the Rules Respecting Accounts."

The Notice of Complaint was returnable on the 7th of July 1967. At the solicitor's request, the hearing was adjourned to the 14th of July. Your Committee met at the appointed time, the following members being present: Mr. Henry Bull, Chairman, and Messrs. McLaughlin and P. D. Wilson. The solicitor was present without counsel. Evidence respecting the complaint was received.

The Chairman noted that the solicitor had filed on the 30th of November an auditor's report for the twelve month period ending October 31st 1967.

The solicitor stated that his books were now up to date and that he was making the entries himself. He indicated that he knew the Rules Respecting Accounts and was prepared to abide by them.

Your Committee finds the complaint to be established and recommends that the solicitor be reprimanded in Convocation and that he be required to pay the costs incurred by the Society in four quarterly instalments, the first instalment becoming due and payable upon the expiration of three months from the date of the consideration of this report.

All of which is respectfully submitted.

DATED this 8th day of January 1968.

"Henry H. Bull"
Chairman

The solicitor attended without counsel and addressed Convocation.

CONVOCATION ADJOURNED for luncheon at 1 p.m.

CONVOCATION RESUMED at 2:25 p.m., a quorum being present.

Convocation continued its consideration of the Discipline Commitee's Report. The Solicitor was asked if he had any further submissions to make. He said he did not.

Moved by Mr. G. A. Martin, seconded by Mr. Bowlby, that the costs of the Society be fixed at $500.00

The motion was lost.

Moved by Mr. Beament, seconded by Mr. MacKinnon, that the Report be amended to provide that the name of the solicitor be not published, and that the Society's costs be payable in eight quarterly instalments, the first to become due six months from the date of Convocation.

Carried.

THE REPORT AS AMENDED WAS ADOPTED.

The solicitor returned. He was advised of the amendment and was reprimanded before Convocation by the Treasurer.

RE: COMPENSATION FUND

To the Benchers of the Law Society of Upper Canada
in Convocation Assembled:

The Discipline Committee begs leave to report:

With respect to the Compensation Fund:

COMPENSATION FUND FINANCIAL SUMMARY

July 1st 1967 to December 31st 1967

Balance on hand June 30th 1967		702,894.94
Receipts		
Fees	260,055.00	
Investment Income	14,040.72	
Bank Interest	2,140.80	
Recoveries	355.00	276,591.52
		979,486.46
Disbursements		
Grants	37,013.13	
Reporters, transcripts, counsel fees, &c.	2,140.52	39,153.65
Balance on Hand December 31st 1967		940,332.81

THE REPORT WAS RECEIVED.

ORDER

The Secretary placed before Convocation the following Order which is entered on the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO

In the Matter of JOHN SZCZEGLIK, a Barrister-at-law and one of the Solicitors of the Supreme Court of Ontario, and in the Matter of the Law Society Act.

Whereas it has been certified by the Assistant Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 2nd day of January 1968 disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor.

Therefore this Court doth Order that the said JOHN SZCZEGLIK be struck off the Roll of Barristers and Solicitors of this Court.

Dated this 2nd day of January 1968.

"M. R. Elliott"
Asst. Registrar
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 160
as Document No. 352
on Jan.2-1968, E.McB.

PROFESSIONAL CONDUCT COMMITTEE

Mr. MacKinnon, Vice-Chairman, presented the Report of the Professional Conduct Committee:

Your Committee met on the 11th day of January 1968, at 9:00 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman and Messrs. Bull, Gray, O'Driscoll, Slemin and Strauss.

1. Rules Respecting Accounts

Your Committee received a letter from a firm of solicitors enquiring whether it was permissible for them to deposit clients' trust monies in 'Credit Unions' and 'Caisses Populaires' in Ontario as being a loan company authorized by law to receive money on deposit as provided by Rules Respecting Accounts in the Professional Conduct Handbook. Your Committee has been informed that Credit Unions and Caisses Populaires in Ontario are incorporated by Provincial charters under the provisions of The Credit Unions Act, R.S.O. 1960. Each of these organizations is an autonomous unit operating exclusively for the benefit of its members who alone subscribe the share capital. They accept savings in the form of shares and deposits from, and make loans to, only their members. Profits are returned to the members as dividends and/or interest rebate in accordance with co-operative principles. Investments in these corporations are not covered by deposit insurance.

Your Committee is of the opinion that 'Credit Unions' and 'Caisses Populaires' are not suitable repositories for trust funds of barristers and solicitors.

2. Ruling 15 — Mortgage Brokers

Re: Finders' Fees

At its November 1966 meeting, Convocation adopted the Committee's Report wherein it recommended the publication of a Memorandum of the Alberta Law Society concerning "Finders' Fees". Subsequently, some confusion arose amongst the profession as to whether this Memorandum should be considered as having the same force and effect as a Ruling. At the June 1967 meeting Convocation adopted the Report of the Committee wherein an amendment to Ruling 15 was recommended. The Treasurer then suggested that instead of the proposed amendment to Ruling 15 being published in the Ontario Reports, the facilities of the Law Society 'Gazette' be used for this purpose. Accordingly, an article by the Chairman appeared in the September issue of the 'Gazette'. The amended Rule reads as follows:

RULING 15

Mortgage & Other Financial Transactions

1. Mortgage Brokers

Solicitors Acting as such —
Since the introduction of the Mortgage Brokers Registration Act a solicitor who falls within its provisions must obtain registration thereunder.

The Act defines a mortgage Broker as:

— a person who carries on the business of lending money on the security of real estate, whether the money is his own or that of another person, or who holds himself out as or who by an advertisement, notice or sign indicates that he is a mortgage broker, or a person who carries on the business of dealing in mortgages.

Limitations are placed pursuant to this Act, on such solicitors advertising in this field. But such advertising is still subject also to the views of the Law Society as expressed in Rulings from time to time.

The Committee has ruled it to be unobjectionable for a solicitor to place a notice in the classified advertising pages of daily newspapers that he has money to loan. An advertisement showing this and merely his name and address and phone number with no reference to qualification as a solicitor is unobjectionable. But anything beyond this is.

2. FINDERS' FEES

(a) It is improper for a lawyer acting for the person introduced by him to a mortgage company, other financial institution or other lender, to accept a finder's fee unless (i) he makes full disclosures to his client, and (ii) pays the fee over to the client or credits the same against his own account to the client. The principle here involved is that the lawyer should not, by receiving or bargaining for compensation for any source except his client, put himself in a position which might interfere with his undivided loyalty to the client.

(b) Quite apart from any question of finders' fees, a lawyer should not introduce a client to a mortgage company, financial institution, or other lender for which he regularly acts, unless (a) he makes disclosure of his relationship with the latter to the client, and (b) counsels the client to obtain appropriate independent advice.

Your Committee received correspondence with respect to this amendment from four members of the profession. Your Committee recommends that the forementioned Ruling as amended be adopted as a Ruling of Professional Conduct.

3. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

Your Committee had before it an application received from a publisher for approval under Section 3 of Ruling 16, and recommends that the following publication be approved and notice of approval be published in the Ontario Reports:

4. MISCELLANEOUS

Your Committee considered a letter from a solicitor wherein he enquires whether his method of doing collection work is unobjectionable to the Society. The solicitor utilizes the services of a clerk and two secretaries in this work. In the Professional Conduct Committee May 1967 Report to Convocation, your Committee recommended that the Treasurer establish a Special Committee to consider and report on the area of legal activities which may or should be properly carried on by clerks and students-at-law.

A Special Committee was in fact set up in June 1967, but Convocation Minutes indicate it was restricted to the function of law students. Your Committee recommends that the scope of this Special Committee be enlarged to include the functions of clerks, as was originally recommended by it, and that the Ottawa solicitor's letter be referred to this Special Committee for consideration.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on the 11th of January 1968, the following members being present: Mr. Steele, Chairman, and Messrs. Beament and Harris.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to December 31st 1967 are as follows:

	Great Library		
	Books	Sundries	Salaries
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	9,831.11	1,072.09	39,656.34

	Phillips Stewart Library		
	Books	Salaries	Temp. Help
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,186.47	15,347.45	2,271.38

Approved

GIFTS AND DONATIONS

Valuable books have been donated to the Library by the following persons:

Miss Lorraine Gotlib, Toronto

Several volumes, complete and incomplete of the Kappa Beta Pi Quarterly.

Mr. William Cartwright, President, Canada Law Book, Toronto

Reports of Points of Practice . . . decided in chambers by the judges of the courts of Queen's Bench and Common Pleas, by J. Lukin Robinson, Toronto, Roswell, 1851-53. 2 Volumes.

Mr. R. K. Logan, Toronto

Revised Statutes of Ontario, 1906, 4 Volumes; 1914, 3 Volumes; 1927, 4 Volumes; 1937, 4 Volumes; 1950, 4 Volumes.
Revised Statutes of Canada, 1927, 5 Volumes.

Mr. Heber E. Smith, Barrie

Ontario. Reports. Court of Appeal Report of cases decided in the Court of Appeal (1876-1900) . . . Toronto, Rowsell & Hutchison, 1878-1901. 27 Volumes.

Ontario. Reports. Ontario practice reports . . . 19 Volumes (1850-1900) Toronto, Carswell, 1868-1901. 19 Volumes.

Ontario. Reports. Court of Chancery. Reports of cases adjudged in the Court of Chancery of Ontario (1849-1882) by Alexander Grant. Toronto, Rowsell & Hutchison, 1850-83. 29 Volumes.

Ontario Weekly Reporter and index-digest . . . 1902-1914/15. Toronto, Carswell, 1902-17. 26 Volumes.

Canada. Supreme Court. Supreme Court cases; a collection of judgments . . . edited by Edward Robert Cameron. Toronto, Canada Law Book, 1905. 1 Volume.

Canadian Law Times. Toronto, Carswell, Vol. 21, 1901; Vol. 22, 1902; Vol. 23, 1903. 3 Volumes. Total 105 Volumes.

Noted

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE

Mr. Steele presented the Report of the Unauthorized Practice Committee:

Your Committee met on the 11th day of January 1968, the following members being present: Mr. Strauss, Chairman and Messrs. Ford, Chappell, Steele, Williston, Fennell, Cass, Beament, Bowlby and Henderson.

RE: EUROPEAN NOTARIES AND NOTARIES PUBLIC (Generally)

Pursuant to the recommendations approved by Convocation on the 17th day of March 1967 certain evidence in respect of Notaries Public was referred to Counsel for his further investigation and opinion. Counsel's report of this investigation has now been considered by your Committee and instructions have been given to obtain further information.

RE: J. UBALD PARENT, NOTARY PUBLIC

Last April the Law Society received certain information about the activities of Mr. Parent of Bourget, Ontario, which indicated that Mr. Parent may have certified a title and thus offended Section 6 of the Solicitors' Act. This information was referred to Counsel for his opinion and an Information was subsequently laid against Mr. Parent. At the trial of this action in November 1967 a plea of guilty was entered. Mr. Parent was given a suspended sentence and was admonished by the presiding Magistrate.

Your Committee considered a number of other matters and the necessary instructions were issued to the Secretary.

Dated the 16th of January 1968.

"N. Strauss"
Chairman

THE REPORT WAS RECEIVED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson,

Your Committee met on the 11th day of January 1968, the following members being present: Mr. Henderson, Chairman and Messrs. Bowlby, Evans, O'Driscoll and Pepper. Mr. Honsberger attended at the Chairman's invitation.

The Committee discussed generally the Law Society Gazette as a medium for giving information to the profession and it was moved by Mr. Bowlby, seconded by Mr. O'Driscoll that Mr. Honsberger as Editor of the Gazette be invited to attend all meetings of the Public Relations Committee. It was carried.

FILMS

Crawley Films Limited have shown interest in producing a film on the legal profession and the Chairman has discussed the matter in some detail with Mr. Graeme Fraser of that Company. The Committee recommends that the Chairman and the Secretary pursue the matter further with Mr. Fraser to explore the cost, possible content and purpose of a film on the legal profession.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON INTEREST ON TRUST ACCOUNTS

Mr. Arnup, Chairman, presented the Report of the Special Committee on Interest on Trust Accounts:

Your Committee met on Tuesday, the 19th day of December 1967, the following members being present: Mr. Arnup, Chairman, and Messrs. B. F. MacKinnon and R. F. Wilson.

Mr. O'Brien's letter to the Chairman of the 22nd November 1967 was read in full. In it the Treasurer summarized the thinking which has been expressed already in the various letters which Benchers have written on the subject and suggested a variety of approaches to the problem.

Your Committee is of the opinion that the views of the Profession as a whole should be sought on the suggestions put forward in the Treasurer's letter. The Committee contemplates that this would be done in two ways:

(1) By a letter, signed by the Treasurer, and mailed to every member of the profession, outlining some aspects of the problem, accompanied by a detailed questionnaire, with carefully framed questions requiring a minimum of writing by the solicitor, but which the Committee hopes would provide meaningful information and helpful opinion.

(2) By inviting some members of the profession, whose firms are believed to have maintained substantial trust ac-

counts over a long period of time, to attend before the Committee and express their own views.

The Committee recommends accordingly.

THE REPORT WAS ADOPTED.

ONTARIO INTERPROFESSIONAL LIAISON COMMITTEE

Mr. Howland presented the Report of the Ontario Interprofessional Liaison Committee:

The members of the Ontario Interprofessional Liaison Committee were the guests of the Law Society of Upper Canada on October 31st, 1967.

Vocational Guidance Summer Courses

The Committee evaluated the program which had been conducted by the professions with respect to the summer courses for Vocational Guidance teachers and concluded that the Committee should continue to co-operate with the Department of Education in connection with this program. It is felt to be most important that the professions emphasize to these teachers how the professions differ from other groups. It was also felt that whilst the professions serve the public the professions must adapt to meet the changing requirements of the public. The committee also considered the following matters *Licensing of Graduates from Foreign Countries, The Consumer Protection Act,* 1966, and *Incorporation for the Professions.*

THE REPORT WAS RECEIVED.

CORRESPONDENCE

The Treasurer read the following correspondence:

Letter from Chief Justice Cartwright thanking the Treasurer and Benchers for the dinner given in his honour on the 17th November 1967.

Letter from Mrs. J. A. Vaughan thanking the Treasurer and Benchers for their tribute of flowers, and kindness shown at the time of the death of her father, Mr. W. Earl Smith, Q.C.

Ordered that the correspondence be received and filed.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 16th day of February 1968.

Brendan O'Brien
Treasurer.

MEETING OF CONVOCATION

Friday, 16th February 1968
10 a.m.

PRESENT

The Treasurer and Messrs. Bowlby, Bull, Callon, Cass, Cassels, Chappell, Chitty, Clement, Fennell, Ford, Goodman, Gray, H. E. Harris, Henderson, Howland, Levinter, McCulloch, MacKinnon, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin, Steele, Strauss, Thom, Williston, P. D. Wilson and R. F. Wilson.

The Minutes of the meeting of Convocation of the 19th January 1968 were read and approved.

BENCHER

The Treasurer read to Convocation a letter from Mr. W. P. Gregory, Q.C., dated 2nd February 1968, tendering his resignation as a Bencher.

Moved by Mr. Gray, seconded by Mr. Ford, that the resignation be accepted. *Carried*

FINANCE COMMITTEE—Mr. R. F. Wilson

Your Committee met on the 8th day of February 1968, the following members being present: Mr. R. F. Wilson, Chairman, and Messrs. Henderson, Howland, Levinter, Pepper, Raney, Sheard, Thom and Weir.

Accounts

The Secretary reports that from the 1st January to the 31st January 1968 accounts, including Library accounts, properly approved, to the amount of $122,898.27 have been paid.

Approved

Financial Statement

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 31st January 1968. *Approved*

Rolls and Records

The Secretary reports —

Deaths

That the following former members of the Law Society have died:

Charles G. Mitchell, Q.C., Woodstock	Called—18 June 1931; Deceased—29 March 1967.
Ethel B. Fagan, Hamilton	Called—21 March 1946; Deceased—7 August 1967.
W. J. McMaster, Q.C., Toronto	Called—21 September 1939; Deceased—9 January 1968.
J. D. Bradford, Q.C., Petrolia	Called—17 June 1920; Deceased—13 January 1968.
Cameron J. Killoran, Q.C., London	Called—18 June 1942; Deceased—17 January 1968.
Donald M. Purdom, London	Called—20 September 1956; Deceased—18 January 1968.
J. Arnold Shapiro, Q.C., Toronto	Called—17 September 1936; Deceased—26 January 1968.
Harvey B. Setterington, Q.C., Toronto (Hon. Life Memb.)	Called—12 June 1916; Deceased—29 January 1968.

Noted

Change of Name

Re: Hans Christian Rainer Mahlstedt — In a Petition filed, the petitioner states that on his application for admission to the Bar Admission Course his Christian name "Rainer" was omitted, and requests that this name be added to his name, and that the records of the Society be amended accordingly.

Approved

INVESTMENT CONSULTANT

The question is before the Committee whether an investment consultant should be engaged to advise the Society with respect to its investment programme in view of the great changes which are taking place in the investment market.

Your Committee recommends that an investment consultant not be retained.

SUB-COMMITTEE ON INVESTMENT POLICY AND CHEQUE SIGNING PROCEDURES

Your Sub-Committee on Investment Policy and Cheque Signing Procedure begs leave to report as follows:

At the meeting of the Finance Committee held on October 12th, 1967, a Sub-Committee consisting of Mr. R. F. Wilson as Chairman, and Messrs. Thom and Henderson was set up to consider and report on the investment policy of the funds held in trust for the Compensation Fund and for the general purposes of the Society and also to consider and report on the cheque signing procedures of the Society.

Your Committee has given consideration to these matters and begs leave to report as follows:

Re: Investment Policy

Your Committee recommends that any monies available for long-term investment should be used to purchase Government of Canada bonds which have a convertible feature and that any other monies held on general account or as trustee for the Compensation Fund should be invested and re-invested in bank or trust company Guaranteed Investment Receipts for such terms as are consistent with the requirements as to the use of such funds during the current year.

Re: Cheque Signing Procedures

After consideration of the recommendations made in this regard by R. L. Anderson, C.A., to W. Earl Smith, Q.C., in the form of memoranda dated October 16, 1962 and June 1, 1963, your Committee recommends that the proposals be forthwith carried into operation, and that Mr. Anderson report back to the Finance Committee prior to the April meeting of the Committee confirming that these procedures have been introduced and are working in a manner satisfactory to him.

Your Committee also recommends that the cheque-writing machine be used only for cheques in amounts up to $2,500.00, cheques over that amount to be signed manually by the authorized signing officers of the Society.

All of which is respectfully submitted.

Dated February 8th 1968.

"R. F. Wilson"
Chairman

ANNUAL BUDGET — *Estimates*

At its meeting in January your Committee recommended, and Convocation approved that the Rules dealing with the time for delivery and consideration of estimates by standing committees should be changed so the committee make their estimates in May rather than September to enable the Finance Committee to cast its budget in June. Rules 15, 17 and 34 require amendment to bring this about.

Your Committee therefore recommends that Rules 15 and 17 of the Law Society be repealed, and the following substituted therefor:

COMMITTEES

"15. At a meeting of Convocation following the meeting at which the Treasurer is elected, the following standing committee shall be appointed:

(a) finance;
(b) legal education;
(c) admissions;
(d) discipline;
(e) professional conduct;
(f) libraries and reporting;
(g) unauthorized practice;
(h) public relations;
(i) legal aid;
(j) continuing education;
(k) legislation and rules."

ANNUAL BUDGET

"17.(1) After the Convocation at which Committees are appointed each year, the standing committees shall meet and prepare estimates of their expenditures for the ensuing fiscal year and submit such estimates forthwith thereafter to the Finance Committee.

(2) The Finance Committee shall present its budget for the ensuing fiscal year to Convocation at its regular meeting in June, or so soon thereafter as may be possible, and upon the approval of the budget by Convocation either as submitted or amended, committees may make expenditures within their estimates without further recourse to Convocation or to the Finance Committee."

Your Committee further recommends that Rule 34 of the Law Society be revoked.

LIBRARIES AND REPORTING COMMITTEE

Re: Phillips Stewart Library

At its meeting on the 11th January 1968 the Libraries and Reporting Committee approved the installation of a folding door in the Phillips Stewart Library for security purposes, at a cost not to exceed $100.00, subject to the approval of the Finance Committee. *Approved*

Re: Locker Cupboards

An addition was made to the locker cupboards for reserve books in the Great Library, with the result that there is now a noticeable difference in appearance between the new and old doors of the locker. An estimate has been obtained from Mr. Arthur Heeney, Jr., of $120.00 to make the old door consistent in appearance with the new door.

Approval of the above estimate is requested subject to the approval of the Libraries and Reporting Committee.

Approved

ELEVATOR TO THIRD FLOOR LOUNGE

At its meeting on the 11th January 1968 the Secretary was directed to obtain up-to-date estimates from Mr. Heeney for an elevator to the third floor lounge.

A letter has been received from Mr. Heeney dated 11th January 1968 as follows:

> "I have examined the possibility of installing an elevator in the stairwell of the north stairway of the original building in lieu of the one suggested in the Quad. This

can be done by reframing the stairwell opening between the first and second floor. This well would be completely enclosed and wall handrails substituted for the existing handrails.

The estimated cost of this installation is $61,500.00, using the same type of car and equipment as suggested for the car in the Quad. See my report of October 20th, 1966. This elevator could travel to the basement locker room level, if required, at an additional cost of $4,800.00.

In the event you consider placing this elevator in the Quad, my Estimate of October 20th, 1966, will be increased to $49,000.00. Turnbull Elevator Company Limited advised me their original estimate for this elevator was in error and increased the cost by approximately $9,000.00. This elevator will not travel below the basement level of the original building."

Your Committee recommends that the Chairman appoint a sub-committee to consider the matter and report back.

LAW SOCIETY STAFF—*Auditor*

At its meeting on the 15th March 1963 your Committee approved the appointment of a chartered accountant to assist Mr. Robert Anderson, C.A. Mr. Anderson has interviewed many applicants since then and has now received an application from Mr. Bruce Johnston, C.A.

Mr. Anderson has interviewed Mr. Johnston on several occasions and feels that he would be a suitable addition to the Society's staff. The Secretary has interviewed him on one occasion, and recommends that he be employed as Mr. Anderson's assistant. *Approved*

RE INSURANCE

It has been the practice of the Law Society to review its insurance periodically. This was last done in June 1965 by a Sub-Committee (Finance) on Insurance composed of Messrs. Levinter, Keith and Gray, together with Mr. Peter Armour of Cronyn, Pocock & Robinson Limited, the Society's Insurance agents.

In a letter of December 11, 1967 Mr. Armour suggests that a further revision of values should be considered.

Your Committee recommends that the matter be referred to the Sub-Committee on Insurance for consideration and report.

GARDENS AND GROUNDS

A letter from the gardener, Mr. N. J. Ellis, is before the Committee making recommendations respecting the lawns and gardens, including the replacement of trees damaged by the recent ice storm, and for moving two flower beds to improve the appearance of the front of the building.

There is also before the Committee estimates from Cedarvale Landscape Services respecting the cost of the trees needed to replace those destroyed by the storm. *Approved*

THE REPORT WAS ADOPTED.

MOTION TO AMEND RULES 15, 17, 34

Moved by Mr. R. F. Wilson,
Seconded by Mr. Sheard,
THAT Rules 15 and 17 be repealed, and that rules as set forth above be substituted therefor, and that Rule 34 be repealed. *Carried*

ADMISSIONS COMMITTEE—Mr. Sheard

Your Committee met on the 8th day of February, 1968, at 2:00 p.m., the following members being present: Mr. Terence Sheard, Chairman, Mr. W. G. C. Howland, Vice-Chairman, and Messrs. Callon, MacKinnon, Pattillo, Robins, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Transfers from Another Province

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee, now apply for call to the Bar and to be granted Certificates of Fitness:

Markus Cohen — Alberta
Charles Vincent Cole — New Brunswick *Approved*

DIRECT TRANSFERS

Grant Howard Nerbas (B.A. University of Manitoba May 1954; LL.B. University of Manitoba May 1958). He seeks to proceed under Regulation 2. *Approved*

G. A. Rogers (B.A. Dalhousie University and The University of Kings College 1950; LL.B. Dalhousie University 1952). He seeks to proceed under Regulation 2. *Approved*

E. G. Sheasby (LL.B. University of British Columbia 1952). He seeks to proceed under Regulation 2.

Your Committee recommends that the requirement of Regulation 3 be waived in the special circumstances of this case and that the applicant be allowed to proceed under Regulation 2.

COMMONWEALTH TRANSFER

V. K. Agnihotri (B.A. and LL.B. Punjab University, India). He seeks to proceed under Regulation 11. *Approved*

J. Tan Chor-Yong (LL.B. (Hons) from the University of Bristol, England, 1958; Barrister-at-Law, Inner Temple, London 1959). He seeks to proceed under Regulation 11 but asks if there is any possibility of being exempted from the period of articles or part of it.

Your Committee recommends he be entered into the Bar Admission Course and that he must complete the whole of the Course.

William Adrian Hope (B.A. University of the Witwatersrand 1949; Oxford B.A. honours degree in Jurisprudence supplemented by admission examinations in South Africa and Rhodesia — service with the armed forces of the Crown apparently made it possible to finish the usual period of residence at University of Oxford for a Degree). He seeks to proceed under Regulation 11.

Your Committee recommends he be informed that his application does not comply with the Society's Regulations.

Surrinder Kumar Sachdeva (LL.B. University of London 1954) was called to the Degree of Utter Barrister by Lincoln's Inn, February 1954). He seeks to proceed under Regulation 11.

Approved

D. Srirama Sastri obtained the LL.B. from Andhra University, India in 1957, and was admitted as an Advocate of the High Court Andhra Pradesh at Hyderabad in December 1958. He has been in active practice in Hyderabad in December 1958. He has been in active practice in Hyderabad to the present. He seeks to proceed under Regulation 11.

Approved

OCCASIONAL APPEARANCES

in Ontario of lawyers from other Provinces

Your Committee gave consideration to the question of occasional appearances in courts in Ontario of members of the Bars of other Provinces. Your Committee recommends that the following Regulation be passed, to be Regulation 12 of the Regulations of the Admissions Committee respecting transfers:

> "Notwithstanding the foregoing Regulations and in the discretion of Convocation, an applicant who is a Canadian citizen or a British subject, is of good character and reputation and is engaged in active practice in Canada may, upon payment of the prescribed fee, be called to the Bar and admitted as a solicitor in Ontario to act as counsel in a specific civil or criminal proceeding in Ontario and in any matters incidental to that proceeding provided he undertakes to Convocation that he shall not engage otherwise in practice in Ontario without first having complied with the relevant transfer Regulation of this Society including passing the prescribed examinations."

THE REPORT WAS ADOPTED.

AMENDMENT OF REGULATIONS

Moved by Mr. Sheard,
Seconded by Mr. Howland,

That the Regulation set forth above be passed, to be Regulation 12 of the Regulations of the Admissions Committee respecting transfers.

Carried

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-Law was conferred upon them by the Treasurer:

Markus Cohen — Special — Alberta
Charles Vincent Cole — Special — New Brunswick

LEGAL EDUCATION COMMITTEE—Mr. Howland

Your Committee met on the 8th day of February, 1968, at 2:30 p.m., the following members being present: Mr. W. G. C. Howland, Chairman, Mr. S. L. Robins, Vice-Chairman, and Messrs. Callon, Henderson, MacKinnon, Pattillo, Sheard, Slemin, Thom, Weir and R. F. Wilson.

BAR ADMISSION COURSE

FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Domestic Relations

M. Basman, Esq., to be a Stand-by Instructor. *Approved*

ANNUAL REPORT

The Annual Report of the Director is before the Committee.

Your Committee recommends that the report, a copy of which is attached forming part of this Report, be received.

BAR ADMISSION COURSE ARTICLING PERIOD SERVICE OUTSIDE ONTARIO

Mr. David J. G. French of the University of Toronto Law School has written suggesting that articling in another Province be accepted as satisfying the articling requirements of the Bar Admission Course. *Rejected*

OSGOODE HALL LAW SCHOOL

APPROVAL OF LAW FACULTIES

McGill University

At its meeting in January the Committee recommended approval of the Faculty of Law of McGill University for the purpose of having its graduates enter the Bar Admission Course. However, before the matter reached Convocation further correspondence was received from Deans of approved law schools, and the matter was referred back to the Committee for further consideration. Still further correspondence has been received both from Dean Cohen of McGill and other Deans, and the matter is again before the Committee.

Your Committee recommends that the Faculty of Law of McGill University be approved for the purpose of admission of its graduates to the Bar Admission Course, the approval to apply to those graduating with the degree of LL.B. in 1969 and thereafter.

LAW SCHOOL TEACHING STAFF—*Resignations*

Full-time Teaching Staff

Professor Alan William Mewett, Associate Dean, submits his resignation from Osgoode Hall Law School Faculty to be effective 30th June, 1968.

Professor Derek Mendes Da Costa submits his resignation from Osgoode Hall Law School Faculty to be effective 30th June, 1968.

Your Committee recommends that these resignations be accepted with regret.

The report of The Bar Admission Course will appear in the Law Society Gazette.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Ford, Vice-Chairman

IN THE MATTER OF THE APPLICATION OF HENRY KOURY TO BE REINSTATED AS A MEMBER OF THE SOCIETY.

The petition of Henry Koury was presented to Convocation in April of 1967 and was referred to the Discipline Committee for consideration and report.

Your Committee met on May 4th 1967, the following members being present: Mr. Gordon Ford, Chairman, and Messrs. Chappell and Maloney. The petitioner attended with his counsel, Mr. John G. J. O'Driscoll (who was not then a Bencher).

After hearing a number of witnesses the matter was then adjourned. Your Committee reconvened on the 12th of September 1967 and was constituted as before. Further evidence was heard and letters supporting the application were received.

After carefully considering the relevant evidence that gave rise to the disbarment, and the impressive and convincing evidence of those who appeared for the applicant your committee concluded that, in the special and unusual circumstances of this case, reinstatement was fully warranted and recommends accordingly.

All of which is respectfully submitted.

Dated this 8th day of February 1968.

"Gordon W. Ford"
Chairman

Messrs. O'Driscoll and Pepper retired from Convocation during consideration of this matter.

Mr. Williston took no part in the discussion and did not vote.

Mr. Koury attended with his counsel, Mr. Austin M. Cooper, Q.C., who addressed Convocation.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on the 8th day of February, 1968, the following members being present: Mr. Henderson, Chairman, Mr. Goodman, Vice-Chairman, and Messrs. Bowlby, Pepper, Chappell, Pattillo, O'Driscoll, Harris and Raney.

RE: A HISTORY OF THE LEGAL PROFESSION

A proposal respecting the financing of this project was made.

INFORMATION FOR PUBLIC AND HIGH SCHOOL STUDENTS

An increasing number of public and high school students write to the Society seeking information about the law and its requirements. The only printed material we have to give them is a monograph prepared by The Guidance Centre, Ontario College of Education and The Canadian Bar Association, and Law School and Bar Admission Course calendars. Soon the Law School Calendar will no longer be available to us. The monograph, although accurate and informative, covers too wide a field of information for this purpose and is rather hard reading. The Secretary suggests that the Society should produce material of its own, well-designed and calculated to cover the very questions the students ask.

Your Committee recommends that the proposal be approved in principle subject to a suitable design and costs being recommended by the Committee at a later meeting of Convocation.

All of which is respectfully submitted.
Dated 8th February, 1968.

"Gordon F. Henderson"
Chairman

Moved by Mr. Wilson, seconded by Mr. Ford, that the matter of the history of the profession be referred back to the Committee. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

CONVOCATION adjourned for luncheon at 12:45 p.m.
CONVOCATION RESUMED at 2:15 p.m., a quorum being present.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on the 8th of February 1968, the following members being present: Mr. Ford, Vice-Chairman in the Chair, and Messrs. Harris, Weir, Cassels, Strauss and Creighton.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to January 31st 1968 are as follows:

Great Library

	Books	*Sundries*	*Salaries*
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	11,563.97	1,210.12	45,916.23

Phillips Stewart Library

	Books	*Salaries*	*Temp. Help*
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,204.47	17,340.80	3,194.38

Approved

LOCKER FOR RESERVE BOOKS

An addition was recently made to the reserve book locker in the Great Library with the result that there is now a noticeable difference in appearance between the doors of the old and new part of the locker. The Chief Librarian has obtained from Mr. Heeney, Jr., an estimate of $120.00 to make the old door consistent in appearance with the new door.

Your Committee recommends that the above estimate be approved.

MISSING BOOKS

In the year 1967, six text books were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, six were returned during the year 1967. Comparative figures for the past five years:

	Missing	*Returned*
1962	48	58
1963	41	54
1964	15	40
1965	10	31
1966	7	13

Noted

BOOK LIST

A list of books purchased during the last month is submitted for the approval of the Committee. *Approved*

Your Committee recommends that henceforth, for the information of those persons to whom the book list is sent, the Chief Librarian mark with an asterisk those books on the list which are to be found in the Lending Library.

COUNTY LIBRARIES

ANNUAL GRANTS

The associations listed below have sent in their annual returns for 1967. The amount of the grant which each should receive under the Rules, and the amount which it received in 1967, are as follows:

	1968	*1967*
Bruce	700.00	651.67
Cochrane	1,075.01	1,020.01
Grey	950.00	900.00
Dufferin	600.00	600.00
Middlesex	1,850.00	1,850.00
Prescott & Russell	600.00	600.00
Welland	1,850.00	1,850.00
Waterloo	1,850.00	1,850.00
Oxford	1,000.00	1,000.00

Approved

REPORTING

CANADA LAW REPORTS

A letter has been received from the Registrar of the Supreme Court of Canada informing the Law Society that individual subscriptions for the Canada Law Reports should be made directly to the Queen's Printer at Ottawa and that the subscription price for the 1968 Reports is $15.00 each.

Your Committee recommends that there should be inserted in the next edition of the Ontario Reports a Notice to the profession to advise as to the present position. (This Notice has already been published in the Reports).

ONTARIO REPORTS

It has been estimated that the Law Society will require for each issue 7,000 copies of the Ontario Reports during the year 1968.

All of which is respectfully submitted.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on the 19th day of January, 1968, the following members being present: Mr. Thomas Callon, Q.C., Chairman, and Messrs. Beament, Bowlby, Fairbairn, Houser, Levinter, Martin, O'Driscoll and Sale.

Mr. F. Joseph Cornish, Q.C., Area Director, County of York, and Mr. John M. Magwood, Q.C., former Area Director, County of York, were present by invitation.

COLLECTION OF CONTRIBUTIONS FROM LEGALLY ASSISTED PERSONS

A memorandum from the Controller setting out proposals for the collection of costs from legally assisted persons was before your Committee. The Committee instructed the Director to consult with Mr. Elmore Houser, Q.C., with respect to the matters raised in the memorandum.

All of which is respectfully submitted.

"T. P. Callon"
Chairman

19th January 1968

Your Committee met again on the 9th day of February, 1968, the following members being present: Mr. Thomas Callon, Q.C., Chairman and Messrs. Fairbairn, Sale and Waugh.

REMOVAL OF THE NAME OF A SOLICITOR FROM A LEGAL AID PANEL PURSUANT TO SECTION 29(2) OF THE LEGAL AID REGULATION

(a) F. Joseph Cornish, Q.C., Area Director, York County, advised the Director that a Solicitor, listed on several panels for York County, has had applicants choose his name from the lists, but were then unable to locate him. The Area Director's office was also unable to locate him.

The Director, with the approval of the Legal Aid Committee, instructed that the name of the Solicitor be removed from all York County Legal Aid Panels.

PAYMENT OF COSTS OF UNASSISTED PERSONS OUT OF THE FUND — PART VI OF THE REGULATION

Mr. Thomas R. Sutherland, Solicitor, Hamilton, acted on behalf of the plaintiff in a civil suit in which the plaintiff brought legal proceedings against the defendant, a limited company. After the matter went to trial, the action was dismissed with costs, taxed in the amount of $393.75.

The solicitor applied to the Legal Aid Fund on the plaintiff's behalf for payment out of the Fund of the costs, since the plaintiff is unemployed and has no assets.

The Committee reviewed the application and felt that there was no indication of hardship on the part of the defendant.

The Committee rejected the application.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966, provides that the Law Society may appoint a Legal Aid Committee for an area. Your Committee recommends that the following be appointed members of the Legal Aid Committee for the following area:

Kent County
Ralph D. Steele, Q.C., Chatham
William Myers, Q.C., Chatham
John M. Kerr, Solicitor, Blenheim.

All of which is respectfully submitted.

9th February 1968.

"T. P. Callon"
Chairman

THE REPORTS WERE ADOPTED.

CORRESPONDENCE

The Treasurer read a letter from D. B. Sutherland, President, Sir Sandford Fleming Campus, Peterborough, dated February 2, 1968, asking that the Law Society appoint a representative from the counties of Peterborough, Victoria, Haliburton and Western Northumberland, to the Advisory Council of the College. The Treasurer was asked to select a suitable person.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 15th day of March 1968.

Brendan O'Brien
Treasurer

SPECIAL MEETING OF CONVOCATION

Tuesday, 27th February 1968
10:30 a.m.

Present:

The Treasurer and Messrs. Bull, Chappell, Chitty, Common, Ford, Howland, McCulloch, MacKinnon, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

Convocation at its meeting on the 16th February 1968 referred the Report of the Legislation and Rules Committee to a Special Convocation to be held this day, so that the Report could be given full consideration.

LEGISLATION AND RULES COMMITTEE

Mr. R. F. Wilson presented the Report to which was attached a draft of the proposed legislation. The proposed legislation was considered by Convocation clause by clause from Section 1 to Section 31 inclusive. Convocation made certain additions, deletions and changes and referred back to the Committee certain sections for further consideration.

The SPECIAL CONVOCATION was then adjourned to March 12th at 10:30 a.m.

SPECIAL MEETING OF CONVOCATION

continued from February 27th, 1968

Tuesday, 12th March 1968
10:30 a.m.

Present:

The Treasurer, and Messrs. Bowlby, Chitty, Common, Ford, Gray, W. E. Harris, Howland, Levinter, McLaughlin, O'Driscoll, Pattillo, Steele, Strauss, Thom and R. F. Wilson.

LEGISLATION AND RULES COMMITTEE

On March 5th, 1968 the Report of the Royal Commission Inquiry into Civil Rights was made public, in which the Honourable Mr. McRuer made recommendations relating to professional organizations. Convocation considered the draft Law Society Act, as partially amended by Convocation on the 27th February 1968, in the light of the recommendations made by the Honourable Mr. McRuer.

After a full discussion it was moved by Mr. Ford, seconded by Mr. Strauss, that the draft Law Society Act be referred back to the Legislation and Rules Committee.

THE MOTION WAS CARRIED.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of April 1968.

Brendan O'Brien
Treasurer

MEETING OF CONVOCATION

Friday, 15th March 1968
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Callon, Cass, Cassels, Chappell, Chitty, Clement, Dubin, Evans, Ford, Gray, H. E. Harris, Howland, Levinter, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Roberts, Seymour, Sheard, Slemin, Steele, Strauss and R. F. Wilson.

The Minutes of the meeting of Convocation of the 16th February 1968 were read and approved.

FINANCE COMMITTEE—Mr. R. F. Wilson, Chairman.

Your Committee met on the 7th day of March 1968, the following members being present: Mr. Howland, in the Chair, and Messrs. Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st February to the 29th February 1968 accounts, including Library Accounts, properly approved, to the amount of $83,476.20 have been paid.

Approved

FINANCIAL STATEMENT

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 29th February 1968.

Approved

ROLLS AND RECORDS

The Secretary reports —

Deaths

That the following former members of the Law Society have died:

James N. Cunningham, Q.C., Toronto	Called—16 June 1932 Deceased—7 February 1968
N. Alexander McColl, Q.C., Campbellford	Called—20 June 1922 Deceased—12 December 1967
F. F. C. Cunningham, Q.C., Toronto	Called—15 June 1933 Deceased—10 February 1968
Clive A. Thomson, Toronto (Honorary Life Member)	Called—22 September 1911 Deceased—10 February 1968
Gerald A. Graham, Brampton	Called—25 June 1953 Deceased—12 February 1968
J. W. Foster, Q.C., Toronto	Called—19 November 1925 Deceased—23 February 1968
Samuel M. Mehr, Q.C., Toronto	Called—20 September 1912 Deceased—2 March 1968
Paul A. Bernier, Hawkesbury	Called—12 April 1962 Deceased—5 March 1968.

Noted

RESIGNATION

Robert Deane Maitland of Ingersoll was Called to the Bar on the 28th September 1950. In 1959 he advised the Society that due to illness he would be unable to practise for at least a year, and since that time has not been in practice. He has filed the required Declarations as to clients' trust funds and valuables, and asks that he be permitted to resign his membership in the Society under paragraph 4 of the Rule Respecting Resignations.

Your Committee recommends that his resignation be accepted.

CHANGE OF NAME

Wietse Posthumus — Mr. Posthumus appears on the rolls and records of the Society as "Will" Posthumus. He now files a petition that his name be changed on the records of the Society to "Wietse" Posthumus, which he says is his correct name. He is in the graduating class of the Bar Admission Course.

Approved

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Sheard, Chairman.

Your Committee met on the 7th day of March, 1968, at 2:00 p.m., the following members being present: Mr. Terence Sheard, Chairman, Mr. W. G. C. Howland, Vice-Chairman, and Messrs. Callon, MacKinnon, Robins and Slemin. Dean LeDain and Mr. R. J. Roberts also attended.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in this particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

Gregory John Theodore Brandt — Special — Faculty of Law, University of Western Ontario.

Approved

ADMISSIONS COMMITTEE REGULATION — AMENDMENT

At its meeting of the 14th September, 1967, the Committee had before it a draft amendment to the Transfer Regulations. The amendment would require people transferring from those jurisdictions outside Canada to sit examinations in order to establish their fitness to enter the Bar Admission Course. The matter was stood over to the October meeting to permit consideration of a second draft. At that time the Committee asked the Secretary to prepare a third draft, which is now set out below —

An applicant who:

(a) is entitled to practise at the Bar of the Supreme Court of England, Scotland, Northern Ireland or the Republic of Ireland (Eire) and who presents a certificate of good standing and satisfactory evidence that he holds a university degree, not necessarily in law, from an approved university, and who has been in active practice in the United Kingdom (or the Republic of Ireland (Eire)) for a continuous period of at least five years immediately preceding his application, and is a fit and proper person to be a member of the Society, may enter the Bar Admission Course and upon successful completion thereof and upon establishing that he is a Canadian Citizen or British subject and upon paying the prescribed fee, be called to the Bar and admitted as a solicitor; or

(b) who is entitled to practise law in a Commonwealth country and who presents a certificate in good standing and satisfactory evidence that he holds a university degree in English Common Law from an approved university and who has been in active practice for a continuous period of at least five years immediately preceding his application, may write the prescribed examinations and, if he passes them, and if he is a fit and proper person to be a member of the Society, may be enrolled in the Bar Admission Course and upon successful completion thereof and upon paying the prescribed fee, be called to the Bar and admitted as a solicitor; or

(c) who is entitled to practice in the United States of America and presents a certificate of good standing and satisfactory evidence that he holds a university degree in law from an approved university and who has been in active practice in the United States of America for at least five years immediately preceding his application, may write the prescribed examinations and if he passes them, and is a fit and proper person to be a member of the Society, may enter the Bar Admission Course and upon successful completion thereof and upon establishing that he is a Canadian citizen or British subject and upon paying the prescribed fee, be called to the Bar and admitted as a solicitor.

Approved

OTHER CANADIAN CASES

E. J. Ratushny obtained the B.A. and LL.B. degrees from the University of Saskatchewan, presumably since it was approved in 1961, and was admitted to the Bar in Saskatchewan. Mr. Ratushny practised for one year before leaving for London England in 1967 where he is presently doing post-graduate studies towards an LL.M. degree which he will receive at the end of 1968 at which time he wishes to come to Ontario. He seeks to proceed under Regulation 7.

Your Committee recommends he be informed he must complete full Bar Admission Course.

UNITED KINGDOM SOLICITOR

Ian Reid Anderson Macmillan has produced a current practising certificate as a solicitor in Scotland and asks to be allowed to proceed under Regulations 8.

Approved

COMMONWEALTH TRANSFERS

Anwar Ahmad Qadri (B.A. Banaras Hindu University, India 1952; LL.B. Banaras Hindu University 1954; M.L.I. (Master's in Legal Institutions) University of Wisconsin Law School, U.S.A. 1962).

Approved subject to new Regulations

Sat Parkash Saini obtained the LL.B. at the University of Delhi in 1953 and a Certificate of Proficiency Examination (Punjab) 1954 of the University of Delhi. He seeks to proceed under Regulation 11.

Your Committee recommends that his application be approved subject to the new Regulations and subject to his producing satisfactory evidence that he has been in practice for at least five years.

Murtaza Ebrahimjee Zahabi obtained the LL.B. from the London University in 1960. He was enrolled as a Barrister of the Queens Bench Division of the High Court of Justice, England, in 1960, and enrolled as an Advocate of the High Court of Kenya in 1961. He seeks to proceed under Regulation 11.

Approved subject to new Regulations

Moved by Mr. Cass, seconded by Mr. Steele, that in para. (b) of the proposed new transfer regulations after the word

"Practice" in the 4th line, the words "in a commonwealth country" be added.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Gregory John Theodore Brandt — Special — Faculty of Law, University of Western Ontario.

DISCIPLINE COMMITTEE

Mr. Ford, Vice-Chairman presented a report respecting disposition of claims against the Compensation Fund arising out of the practice of Manuel Wineberg. The report was received.

Mr. Gray, Chairman, presented the following Reports:

ANNUAL REPORT ON WORK OF DISCIPLINE COMMITTEE
THE LAW SOCIETY OF UPPER CANADA
DISCIPLINE COMMITTEE

550 — Complaints were dealt with by the Society during the year 1967.
70 Meetings of the Discipline Committee were held — 16 of which were devoted entirely or in part to Compensation Fund matters.

37 — Notices of Complaint were considered by the Committee (four Solicitors were served with two Notices of Complaint each). These were disposed of as follows:

3 — Disbarments
5 — Reprimands in Convocation with costs
7 — Reprimands in Committee
1 — Suspension
5 — Appeared before Committee — no further action taken
14 — Pending
2 — In the matter of two Solicitors, an additional Notice of Complaint was issued in each case

relating to the subject matter of the original Notice of Complaint.

37

513 — Complaints considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Committee were dealt with as follows:

196 — Solicitor's explanation reasonable and satisfactory
132 — Concluded after correspondence
59 — No evidence of professional misconduct
84 — No further investigation required by Society
18 — Not a matter for action by the Society
11 — Matters for taxation
13 — Matters for the Courts

513

In addition,

3 — Members were invited to attend before the Committee in 1966 and matters were disposed of in 1967.

2 — Notices of Complaint considered in 1966 and were disposed of by Convocation in 1967 by reprimands in Convocation with costs.

Total amount paid out of the Compensation Fund during 1967

Grants	$139,250.41
Counsel fees, etc.	$ 24,878.44

Paid out of General Discipline:

Investigation by Auditors	$23,295.41	
Counsel: Fees	10,465.55	
Reporters	1,942.25	
Miscellaneous (witnesses, conduct money, photo-copy, etc.)	3,206.46	
Travelling Expenses and Salaries	24,723.75	
Office Staff	7,083.65	
Extra help	1,008.21	
		$71,725.28

March 7, 1968.

"W. Gibson Gray"
Chairman

THE REPORT WAS RECEIVED.

GENERAL REPORT

Your Committee met on the 7th of March 1968 at 10:30 a.m., the following members being present: Mr. W. Gibson Gray, Chairman, Mr. Gordon Ford, Vice-Chairman, and Messrs. Cass, Creighton, Evans, H. E. Harris, Howland, MacKinnon, Pepper, Robins, Slemin, Strauss and Thom.

YORKVILLE BAR

In June 1967 a sub-committee of your Committee was appointed to investigate the activities of a group operating in Yorkville and known as the "Village Bar". Counsel was retained to look into the matter and to report back to your Committee. Counsel's report has now been received. It recommends that the group be warned:

(1) to discontinue the use of the name "Village Bar"
(2) to discontinue the use of the term lawyers to describe collectively the members of the group;
(3) that the street operation should not be resumed.

It is the opinion of your Committee that steps should be taken to discuss these recommendations with members of the aforementioned group.

"W. Gibson Gray"
Chairman

THE REPORT WAS RECEIVED.

ORDER

The Secretary placed before Convocation an Order of the Supreme Court restoring the name of Henry Koury to the Roll of Barristers and Solicitors.

PROFESSIONAL CONDUCT COMMITTEE

Mr. MacKinnon

Your Committee met on the 7th day of March, 1968, at 9:30 o'clock in the morning, the following members being present: Mr. B. J. MacKinnon, Vice-Chairman in the Chair, and Messrs. Callon, Ford, Gray, Howland, Slemin and Strauss.

1. RULING 15 — MORTGAGE AND OTHER FINANCIAL TRANSACTIONS

Your Committee considered a letter from a solicitor wherein reference was made to the provisions of Ruling 15 subsection (1) which the solicitor interpreted as requiring a lawyer who falls within the Mortgage Broker's Act to obtain registration thereunder. He has submitted that the Society should not require lawyers to register under this or any Act but should function as a guide for the professional conduct of lawyers. Your Committee instructed the Secretary to inform the solicitor that it is not Ruling 15 that requires a lawyer to register under the Mortgage Broker's Act but the Statute. Further, that when the Statute was being considered, representations were made to the Legislature asking that lawyers be exempted but the Legislature refused so to do.

It is also to be pointed out to the lawyer that the new provision in Ruling 15 is basically a disclosure Rule and that making complete disclosure to a client should be no hardship to anyone.

2. MISCELLANEOUS

A solicitor has written to the Society asking for a ruling concerning a situation in which he and his partner find themselves. They, along with others, have an interest in two limited companies which own two tracts of land immediately adjacent to the City where they practice. With future development close at hand the solicitor is concerned about what part he and his partner can play in it and who he can act for. He envisages that building contractors, lending institutions and possibly the ultimate purchasers may all wish to retain him to act on their behalf with respect to a substantial portion of the land concerned. The solicitor indicated that it was his, and his partner's, intention in all instances where they would be asked to act, to advise their prospective clients in writing that they had an interest in the land holding companies, and would require instructions to act notwithstanding the disclosed interest. Your Committee instructed the Secretary to advise the solicitor that on the face of it the Committee could see nothing wrong with the proposition that he had set out, as long as the Rules of Professional Conduct in general, and Ruling 2 in particular, are strictly complied with by the solicitor and his partner.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE

Mr. Steele

Your Committee met on the 7th of March 1968, the following members being present: Mr. Steele, Chairman, and Messrs. Strauss, Cassels, Creighton, Ford and Harris.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to February 29th, 1968 are as follows:

	Great Library		
	Books	*Sundries*	*Salaries*
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	13,424.79	1,586.30	52,535.12

	Phillips Stewart Library		
	Books	*Salaries*	*Temp. Help*
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,632.32	19,817.47	4,022.38

Approved

GIFTS AND DONATIONS

The following books have been donated.

Percy, Thomas, comp.

Reliques of ancient English poetry . . . Philadelphia, F. Bell, 1855. 558 p.

The inside front cover bears the signature of the original owner William Willcocks Baldwin, grandson of William Warren Baldwin, a former Treasurer of the Law Society of Upper Canada. William Willcocks Baldwin was the maternal grandfather of Mr. Hamilton Cassels, Q.C., who has presented the volume to the Law Society.

Ontario. Supreme Court

The Rules of Practice and Procedure of the Supreme Court of Ontario (*in civil matters*). Toronto, King's Printer, 1913. 245 p.

The title page bears the signature of the original owner Sir John Alexander Boyd (1837-1916) Chancellor of Ontario between 1881-1916. This volume has been presented to the Law Society by Mr. Jacob D. Pearlstein through Mr. Cassels.

Noted

LIBRARY STAFF

Mrs. Ethel Ross

As a result of a traffic accident, Mrs. Ethel Ross who was employed as a stenographer in the Great Library since July 1st 1966, died on February 12th, 1968. Her loss is deeply regretted by all her associates.

Miss Nieves F. Farin

Miss Nieves F. Farin has tendered her resignation effective on or before April 1, 1968. Miss Farin joined the staff as cataloguer on August 26, 1963. Miss Farin has given excellent service and her decision to leave the staff is regretted.

Mrs. Catherine Ferguson joined the staff as a cataloguer on June 1, 1967.

The Chief Librarian requests authority to promote Mrs. Ferguson to the position of Assistant Librarian, such promotion to be effective on the departure of Miss Farin. The Chief Librarian further requests authority to hire a cataloguer to replace Mrs. Ferguson.

Approved

A report from the Chief Librarian on the backlog of work that has been carried out in the Great Library and which is still to be carried out was received by your Committee.

AMERICAN ASSOCIATION OF LAW LIBRARIES

The annual convention of the American Association of Law Libraries is to take place between June 30 and July 3, 1968 in Philadelphia. The Chief Librarian requests authority to attend this convention.

Approved

It is drawn to the attention of the Committee that libraries of comparable size are accustomed to send more than one representative to this meeting. The Chief Librarian requests authority to send to this convention such Assistant Librarians as the Chief Librarian may decide upon.

Approved

COMPUTERS AND THE LAW CONFERENCE

The Faculty of Law at Queen's University is planning to hold a conference from June 3 to June 5, 1968 on the application of computers to law. The Chief Librarian requests authority to attend this conference.

Approved

Miss Moore, an Assistant Librarian, has also expressed an interest in being present at this conference. The Chief Librarian further requests authority to permit Miss Moore to attend this conference.

Approved

BOOK LIST

A list of books currently on order is submitted for the approval of the Committee.

Approved

COUNTY LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1968 is as follows:

	1968	1967
Brant	1,375.00	1,375.00
Carleton	1,850.00	1,850.00
Elgin	825.00	800.00
Frontenac	1,575.00	1,300.00
Haldimand	600.00	600.00
Hamilton	1,850.00	1,850.00
Huron	630.71	600.00
Kenora	600.00	600.00
Kent	1,325.00	1,350.00
Leeds & Grenville	850.00	825.00
Lincoln	1,850.00	1,850.00
Perth	915.00	975.00
Temiskaming	600.00	600.00
Wellington	1,550.00	1,461.36

To date, one half of the county and district law associations have submitted annual returns, an increase of four over the same time last year.

Approved

REPORTING

ONTARIO REPORTS: BANKRUPTCY JUDGMENTS

Your Committee was asked to consider the matter of the publication in the Ontario Reports of Judgments of the Registrar in Bankruptcy at Osgoode Hall.

These Judgments are not presently made available in the normal course to the editors at Canada Law Book for consideration for publication. They are however considered for publication in the Canadian Bankruptcy Reports which are published by The Carswell Company Limited.

Your Committee feels that publication in the Canadian Bankruptcy Reports is sufficient and recommends that no steps be taken to make these Judgments available for publication in the Ontario Reports.

THE REPORT WAS ADOPTED.

PRESENTATION

By letter dated the 26th February 1968 Miss Margaret Hyndman, Q.C. offered to present to the Law Society for use in the Benchers' Dining Room a hand-woven damask tablecloth 10 yards long, which is a replica of one made for Her Majesty Queen Elizabeth II, and twenty-six matching table napkins.

The Treasurer was authorized by Convocation to accept this presentation with thanks.

CORRESPONDENCE

The Treasurer referred to a letter from Mr. D. B. Sutherland, President of Sir Sandford Fleming Campus, Peterborough, in which the Society was asked to suggest a suitable nominee from the field of law to be a member of their Advisory Council.

The Treasurer announced that His Honour Judge Harry R. Deyman of Peterborough, has agreed to be appointed, that his appointment has been confirmed, and Mr. Sutherland has been advised.

Appointment of 2 Benchers to serve on Senate of York University

Moved by Mr. R. F. Wilson, seconded by Mr. Dubin, that Messrs. W. G. C. Howland, Q.C., and Mr. S. L. Robins, Q.C., be appointed to the Senate of York University pursuant to the terms of the Agreement with York University respecting Osgoode Hall Law School.

Carried

Convocation records its congratulations to Senator Arthur W. Roebuck, Q.C., on having recently celebrated his 90th birthday.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of April 1968.

"Brendan O'Brien"
Treasurer

MEETING OF SPECIAL CONVOCATION

Friday, 22nd March 1968
11:45 a.m.

Present:

The Treasurer, and Messrs. Bowlby, Cass, Chitty, Creighton, Evans, Ford, Gray, Henderson, Howland, Levinter, Maloney, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Sheard, Slemin, Strauss, Weir and Williston.

LEGAL EDUCATION COMMITTEE—Mr. Howland,

Your Committee met on the 22nd day of March, 1968, at 11:15 a.m., the following members being present: Mr. W. G. C. Howland, Chairman, and Messrs. Henderson, MacKinnon, Pattillo, Sheard, Slemin, Weir and Williston.

BAR ADMISSION COURSE

Examination Results — Ninth Bar Admission Course

The report of the Director of the Bar Admission Course on the results of the examinations is submitted herewith showing that 53 have passed with Honours, another 300 have passed and 5 have failed.

Approved

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Sheard

Your Committee met on the 22nd of March, 1968, at 11:30 a.m., the following members being present: Mr. Terence Sheard, Chairman, Mr. W. G. C. Howland, Vice-Chairman, and Messrs. Callon, MacKinnon, Pattillo, and Slemin.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Bar Admission Course

A list is submitted of 348 candidates who have successfully completed the Ninth Bar Admission Course, have filed the necessary documents and paid the required fee, and who now apply for call to the Bar and to be granted Certificates of Fitness.

Approved

THE REPORT WAS ADOPTED.

CONVOCATION ADJOURNED AT 12:25 p.m.

The Treasurer and Benchers entertained at luncheon the Honourable J. R. Cartwright, Chief Justice of Canada, the Honourable G. A. Gale, Chief Justice of Ontario, the Honourable Dalton Wells, Chief Justice of the High Court, and R. J. Roberts, Q.C., Director of the Bar Admission Course.

The Treasurer and Benchers, and their guests then proceeded to the O'Keefe Centre.

CONVOCATION RESUMED at 2 p.m., a quorum being present.

The body of the theatre was occupied by the graduates of the Bar Admission Course, their families and friends.

CALL TO THE BAR

Mr. Terence Sheard, Q.C., Chairman of the Admissions Committee, then presented to the Treasurer and Benchers the following candidates:

WITH HONOURS

1. George Francis Gray Pooley — awarded The Treasurer's Medal, The Law Society First Prize, and The Lawyers Club First Prize.
2. Stephen Norman Adams — awarded the Law Society Second Prize, The Lawyers Club Second Prize, The Reading Law Club Prize (Tie), and The Reading Law Club President's Prize (Tie).
3. Richard Emile Anka — awarded the Law Society Third Prize.
4. Eric Anthony Bowie
5. Derek John Watchorn
6. Sidney Norman Lederman
7. Stephen John Messinger
8. David Westwood Smith
9. Allan Maurice Johnson
10. James Montague Farley — The Commercial Law and Company Law Prize.

11.) George Michael Deacon
)Myron Matlow
)Carl Alfred Edward Thulean

14. Roger Thomas Hughes
15. William David McCordic

16.) Herbert Marshall Allan Brodkin — The Criminal Procedure Prize.
)Harry Garfield Emerson

18. Robert George Witterick
19. Herbert Lewis Wisebrod
20. David Michael Montcalm — The Reading Law Club Prize (Tie) and The Reading Law Club President's Prize (Tie)
21. Stephen Ross Cameron

22.) Thomas Giles Heintzman
)James Philip Walden

24. Lawrence Alfred Wright
25. Carene Irene Carole Shifrin
26. Robert Bruce Waite
27. Paul Merrick

28.) David Trafford Stockwood
)Blenus Wright

30. Donald John Brown

31.) David Arthur Brown
)Theodor Kerzner

33. Wietse Posthumus
34. Anthony David Morrow

35.) Alphonse Thomas Lacavera
)John David Ernest Shannon
)William Woloshyn

38.) Allin Ross Mitchell
)Raymond Jacques Ostiguy

40. Donald William Mutch
41. Peter Robert Ramsay

42.) Robert Charles Pettitt
)Richard Gary Ulster

44. David Holmes Gordon
45. Robert Kenneth McDermott

46.) Patricia Riley German
) Donald Herbert MacOdrum
48.) Joseph Robert Claude Dewhurst
) Richard Thomas Hamel
) Donald Grant Pierce
51. Geoffrey Donald Faulkner Skerrett
52. Ralph Douglas Dalgarno
53. Nicholas Best

The following have passed:

Albert Abramson
Edwin Wayne Adler
Melvyn Hartley Aiken
George Cameron Amos
Constantine Amourgis
Arthur Derrick Angus
Bernard Iving Michael Applebaum
David Dean Archibald
Alan Finlay Ashton
Larry Ross Babcock
Oleksander Dionizij Babij
Bernard Lee Baig
John Martin Banfill
Douglas Joseph Barber
Theodore Batcher
Robert Noel Irving Bates
David Michael Bradshaw Bean
Lucien Arthur Beaulieu
Brock Howard Bedford
David Casson Bell
Peter Charles Bellamy
Lawrence Alan Berg
Abrar Muhammad Bhatti
Robert Holmes Blackburn
Howard Geoffrey Bockner
Pierre Gerard Bourgeau
Patrick Gerald John Bradley
Harold Allen Brewer
Derek Allan Brown
Kenneth John Brown
Peter Lloyd Brown
Gordon Douglas Buckle
Stanley Raymond Budd
Francis Edward Burns
John Sinclair Burns
Robert Leopold Burton
Mitchell Allan Bussin
Alistair Mackenzie Campbell
Robert Franklin Campbell
William Douglas Chambers
Bradley James Chapman
George Stephen Chris
Kenneth Forbes Christie
Robert Alexander Clayton
John Leslie Glendenning
Robert Anthony Cobham
David Martin Cohen
Jean Grace Cole
Billy Norman Colvin
William John Cornwall
Paul David James Cozzi
Earl Robert Cranfield
Ian Christopher Brian Currie
George Camillo Damiani
Allan Elia Davidson
Ronald Davidson
George Delrue
James Patrick Devlin
Brian Achiel D'hondt
Arnold Elliott Diamond
Hans John Brock
Andrew Dickie
Campbell Milton Dockstader

Donald Cyril Dockstader
Sven Hendric Dohnberg
Donald Campbell Downie
Arthur Barry C. Drache
Thomas Michael Dunn
John Joseph Michael Eagan
Henry Peter Eccles
David Allen Elliott
Marvin Larry Ellison
Philip Aaron Fellen
George Ian Ferguson
Alfred Donald Nicholas Ferris
David Mitchell Fieldstone
Courtney Henry Foster
Joel Phillip Freedman
Allen Fridson
Richard James Frost
Richard Charles Gates
James Bonner Gee
Seymour Elliot German
Jagmohan Singh Gill
John Doherty Gilfillan
Kalman Naton Goldstein
William Bruce Graham
David Winston Grant
William Paul Grant
Donald George Green
Paul Joseph Green
William Ronald Greenwood
Gerald Lawrence Gross
Gerald Grupp
Kenneth Almond Hahn
William Clark Hamilton
Judith Zeisler Hans
John Robert Hanselman
William Cullen Hawken
Thomas Richardson Hawkins
William Ross Heacock
Arnold Heisler
Robert Lawrence Hendrie
Robert Paul Hilbers
David Thomas Allen Hogben
Ronald Nicholas Horeck
Edward John Horembala
George Arthur Howse
Orest Wasyl Hrynkiw
Peter Hubbard
Terrence Norman Hunt
Robert Michael Livingston Innes
Shireen Rustam Irani
Peter Richard Wilton Isaacs
Maunsell Bowers Jackson
Sudarshan Kumar Jain
Arthur Brown James
Donald William Johnson
Neill Malcolm Simpson Johnston
Larry Alfred Jones
Gurcharandas Kapoor
Harvey Barry Kasman
David Jackson Kee
Mervyn Bryan Kelly
Brian Reeve Kennedy
Louis Kesten
David Kent Kirkland
Ernest Joseph Kirsh
Gloria Rieta Klowak
Peter John Knowlton
Marvin David Kriluck
Dennis Dushan Kroul
Emil Milan Kudrac
Robert Silvio Lafleur
Ronald Robert Laing

Paul William Lang
James Shael Leibel
Alexander Ziskind Leve
Malcolm Alexander
Francis Lindsay
Anthony Harris Little
Paul Eugene Lokash
John Bruce Lubell
Michael McKenzie
Lynch
Colin Clive MacDonald
Donald Longworth
Macdonald
Roderick Richard
MacDougall
Barry James Mackenzie
William James MacLeod
Bruce Irwin Mactaggart
John Henry Madden
William Guy Mahaffy
Hans Christian Rainer
Mahlstedt
Charles David Mailloux
Walter Joseph Makowy
Louis Chris Mangoff
Frank Michael Marotta
Thomas Cameron
Marshall
Stewart Neill Martin
William Douglas Martin
James Gordon Matthews
Vincent Frederic Scott
McAuley
Robert Michael McClean
Patrick Kenneth
McCloskey
John Lorn McDougall
Thomas Andrew
McDougall
Robert Lyn McFalls
George William Dent
McKechnie
James Peter
McNaughton
Edward Alec McNeill
John David McPhail
Donald Dalton
McPherson
Andrew Grant
McQuilkin
Philip Henry Meretsky
Robert Sheldon Merker
Charles Gordon
Michener
Albert Miller
Leonard Miller
Robert Joseph Miller
Ronald Paul Milrod
John Stewart
MacGregor Mitchell
John Palmer Moise
Michael Thomas
Mollison
Yvon Montpetit
John Scott Morley
Franklin Roy Moskoff
Geoffrey Trueman
Mullin
Arthur Patrick Burke
Murphy
Jack David Nadelle
Richard Nemis
Gordon Charles Ness
James Paul Nevins
David Douglas Newey
Richard Charles Oaks
John Patrick O'Connor
Donald Joseph
O'Donnell
Bohdan Swiatoslaw
Onyschuk
Andrew John Osyany
Leslie Thomas Paci
Francis Timothy Parker
Thomas Ralph Parker
Allan Charles Parslow
Charles Vidana
Patirana
William Alexander
Pearce

Elliott Herbert Pearl
Edward Arnold Perfect
Walter Ramkissoon Persram
Edward Alan Peters
Emil Joseph Petko
Douglas Edward Pezzack
William George Phelps
George Thomas Pollitt
Gerald Sherwin Posner
Thomas William Gordon Pratt
Joseph Gerard Quinn
Paul Radakir
Adi Mullan Raman
John Taylor Ramsay
William Jefferson Rankin
Garry George Rishor
Edythe Mae Robertson
Sheldon Michael Robins
Andrew Mackenzie Robinson
Sidney Peter Hamlin Robinson
Margaret Wendy Robson
Joel Michael Rose
Charles Ian Ross
Kenneth Edward Ross
Peter Miles Rowland
Barrie Rubin
Peter Edmund Russell
Douglas James Anderson Rutherford
Murray Edward Ryan
Martin Stanley Sable
William Micheal Saranchuk
Frank Alexander Sargent
George William Saunders
Rod Lionel Joseph Sauriol
Patrick Foster Schindler
Rocco Anthony Joseph Schiralli
Edmund Louis Schofield, Jr.
Sheldon Lee Schwartz
William Kurt Schwarz
Graham Wilson Shatford Scott
Joel Henry Selley
James Shantora
Irvin Harold Sherman
James Richard Shuttleworth
John Skala
Brian Meredith Smith
Joel Ronald Smith
John Edward Smith
Paul Mansell Gifford Smith
Richard John Sommers
James MacDonald Spence
Robert Boyd Statton
Martin Bernard Syron
Ernest John Szabo
Terence Joseph Tait
Joseph Michael Tanzola
Dennis Daniel Joseph Tascona
Allyne Frances Thomson
Pamela Ann Thomson
Herbert Maxwell Thornton
Harry Ernest Thorsteinson
Norman William Tomas
Timothy Nicholson Unwin
Indrek Uukkivi
John Edwin Silvio Valeriote
Richard Van Severen
Michael Bryan Vaughan

Gary Richard Vedova
Stephen Murray Victor
Michael Graydon Wade
Lola Natalie Waldman
Robert Douglas Walker
Michael Francis Wallace
Michael Joseph Walsh
Jack Herbert Ward
John Francis Taylor Warren
Mitchell Louis Wasik
Robert Harold Waters
David Reilly Watson
William Crichton Webster
Robert David Weiler
David Alexander Waring Wetmore
John Alexander Whaley
John Cyril Wilkins
Eber James Robert Willis
Alan Rutherford Winship
Sheldon Samuel Wiseman
Harold Joel Wolfe
Rodney Lowell Harvey Woolf
Anne Brereton Wright
Roger Carl Young
John Irwin Zeiler

Passed the Seventh Bar Admission Course

Ronald Joseph Delisle — with Honours.

The Treasurer then conferred upon the candidates the degree of Barrister-at-law and called them to the Bar of Ontario.

The Treasurer then presented the Treasurer's Medal to—
George Francis Gray Pooley
and the following prizes:

The Law Society First Prize	George Francis Gray Pooley
The Lawyers Club First Prize	
The Law Society Second Prize	Stephen Norman Adams
The Lawyers Club Second Prize	
The Reading Law Club Prize (shared)	
The Reading Law Club President's Prize (shared)	
The Law Society Third Prize	Richard Emile Anka
The Commercial Law and Company Law Prize	James Montague Farley
The Criminal Procedure Prize	Herbert Marshall Allan Brodkin

The Reading Law Club Prize (shared) The Reading Law Club President's Prize (shared)	DAVID MICHAEL MONTCALM

and announced the following appointments:

Law Clerk to the Hon. George A. Gale, Chief Justice of Ontario	ERIC ANTHONY BOWIE
Law Clerks to the Hon. Dalton C. Wells, Chief Justice of the High Court of Ontario	SIDNEY NORMAN LEDERMAN ALLAN MAURICE JOHNSON

The Treasurer congratulated the new members of the Bar, and introduced the Honourable J. R. Cartwright, Chief Justice of Canada, who addressed the assemblage.

CONVOCATION THEN ROSE.

Following the meeting of Convocation a court room was set up in the O'Keefe Centre with the Honourable D. C. Wells, Chief Justice of the High Court, presiding.

Mr. Terence Sheard, Q.C., presented the candidates to His Lordship.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge at the O'Keefe Centre.

Read in Convocation and confirmed this 19th day of April 1968.

"Brendan O'Brien"
Treasurer

MEETING OF SPECIAL CONVOCATION

Tuesday, 9th April 1968
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Callon, Cass, Chappell, Evans, Gray, Howland, Jamieson, Levinter, G. A. Martin, McCulloch, MacKinnon, O'Driscoll, Pattillo, Pepper, Slemin, Steele and Strauss.

LEGAL AID PROGRAMME COMMITTEE

Mr. Callon, Chairman

Your Committee met on Saturday, the 16th day of March, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, O'Driscoll, Martin, Sale and Waugh.

PROPOSED AMENDMENTS TO THE LEGAL AID ACT, 1966 AND THE LEGAL AID REGULATION

The Legal Aid Programme Committee appointed a sub-committee to deal with the proposed amendments and to seek from all interested persons suggested amendments to the Act and Regulation. Over two hundred replies were received.

The sub-committee met on November 24th, 1967, December 16th, 1967, January 5th, 1968, January 6th, 1968 and March 9th, 1968, and prepared a draft of the proposed amendments to the Legal Aid Act 1966 and the Regulation ancillary thereto, after giving due consideration to all suggestions and criticisms received. A copy was sent to each Bencher.

THOS. CALLON,
Chairman

The proposed amendments (set forth in an appendix of 164 pages) were carefully considered clause by clause by Convocation and numerous amendments were made.

THE REPORT AS AMENDED WAS ADOPTED.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of May 1968.

W. G. C. HOWLAND,
Treasurer

MEETING OF CONVOCATION

Friday, 19th April 1968
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Cass, Chitty, Creighton, Evans, Fennell, Ford, Gray, Howland, Levinter, Maloney, McCulloch, MacKinnon, O'Driscoll, Pepper, Raney, Robins, Roebuck, Seymour, Slemin, Steele, Strauss, Thom, Williston and R. F. Wilson.

The Minutes of the meetings of Convocation of the 27th February, 12th March, 15th March and 22nd March 1968 were read and approved.

FINANCE COMMITTEE—Mr. R. F. Wilson, Chairman

Your Committee met on the 11th day of April 1968, the following members being present: Mr. R. F. Wilson (Chairman), and Messrs. Henderson, Howland, Levinter, Pepper, Raney, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st March to the 31st March 1968 accounts, including Library Accounts, properly approved, to the amount of $107,944.59 have been paid.

Approved

FINANCIAL STATEMENT

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 31st March 1968. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointments to the Bench*

That the following former members of the Law Society have been honoured in their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

W. R. DuPont, Q.C., Cochrane	Called—29 June 1950; Appointed District Judge, Cochrane, 15 March 1968.
D. G. Couture, Sudbury	Called—21 June 1951; Appointed Judge, C.C.C. York, 19 March 1968.
H. G. Steen, Q.C., Toronto	Called—15 June 1933; Appointed Judge, C.C.C. York, 26 March 1968.

(2) *Deaths*

That the following former members of the Law Society have died:

T. C. Newman, Q.C., Toronto	Called—7 February 1924; Deceased—17 March 1968.
Kenneth F. MacKenzie, Q.C., Toronto (Hon. Life Member)	Called—20 September 1907; Deceased—29 March 1968.
Reuben Lieberman, Q.C., Toronto	Called—20 November 1919; Deceased—30 March 1968.
Arthur L. Fleming, Q.C., Toronto (Hon. Life Member)	Called—8 December 1913; Deceased—3 April 1968.

Noted

COUNTY LIBRARIES GRANTS

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual returns for 1967. The amount set opposite their names is the amount of the grant to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

CHANGE OF NAME

Nicholas Alfred Best appears on the rolls and records of the Law Society as "Nicholas Best". He asks that his name be changed on the records of the Society to — "Nicholas Alfred Best", his correct name.

Your Committee recommends that his request be granted.

ARREARS OF ANNUAL FEES

On the 18th March 1968 a registered letter was sent to those members in arrears for more than one year, giving them notice that unless their arrears were paid by the 10th April 1968 a motion to suspend them from practice would be made to Convocation on the 19th April 1968.

Following receipt of the notice, letters were received from Messrs. Fred Gold and Remington White.

Your Committee further recommends that the following be suspended from practice for one year, and from year to year thereafter or until their arrears of fees are paid:

C. H. Carnahan, 50 Upper Lake Ave., Stoney Creek
G. R. R. Frame, 2 College Street, Toronto 2
Donald J. Fraser, 23 Parade St., Yarmouth, N.S.
Fred Gold, 2 Fraserwood Ave., Apt. 5, Toronto 19
John E. Harris, 112 Simcoe St. N., Oshawa
Magistrate W. R. Kennedy, Box 115, Court House, Barrie
W. A. Kenzie, 495 Deloraine Ave., Toronto 12
J. E. MacNaughton, c/o Grey Advertising Ltd., 2055 Peel St., Montreal, P.Q.
W. G. J. Nash, 75 Albert St., Ste. 504, Ottawa
O'Neill O'Higgins, 138 Wellington Street, Ottawa
Donat Pharand, Faculty of Political Sciences, University of Ottawa, Ottawa
D. R. K. Rose, c/o T. B. O'Neill, Esq., Barrister, &c., 1482 Bathurst St., Toronto 10
Remington White, "Whitecaps", Box 129, Beaverton

STATUS OF A UNITED STATES CITIZEN

Gary M. Keyes was called to the Bar of Ontario on the 22nd June 1960. He became an American citizen on the 6th September 1967. He was at that time in arrears for one year's fees. He has now sent a cheque covering his arrears, on the understanding that although he is now a United States citizen, he can continue as a member of the Bar of Ontario.

The general question whether a member of the Society should remain a British subject had been considered by the

Legislation and Rules Committee. It was that Committee's opinion that a member who ceases to be a British subject, ceases at the same moment to be a member of the Society.

A similar opinion was expressed by the Discipline Committee under the Chairmanship of Mr. W. N. Tilley in January 1934. That opinion was based on section 3 of The Solicitors Act, R.S.O. 1927, chapter 194 which referred to persons "being British subjects or residents of Ontario who have taken the oath of allegiance and declared their intention to become British subjects."

Your Committee recommends that he be informed that he ceased to be a member of the Society when he ceased to be a British subject.

OCCASIONAL APPEARANCES — *Transfer fee*

At its meeting on the 15th March 1968 Convocation approved a new Regulation of the Admissions Committee governing the occasional appearance in Ontario of lawyers from other provinces. The Finance Committee is asked to set the fee to be payable by those proceeding under the Regulation. Mr. Walter C. Newman, Q.C. of Winnipeg, Manitoba, has applied to proceed under the new Regulation.

Your Committee recommends that Mr. Newman be allowed to proceed under the new Regulation, that he be charged no fee, but that Convocation be asked to fix the fee normally to be charged under the Regulation.

ELEVATOR

At its meeting on the 7th March 1968, the Chairman was empowered to select a sub-committee to investigate and report on the question of the construction of an elevator to the third floor barristers lounge. The Chairman appointed Mr. Howland, as Chairman, and Messrs. Levinter and Pepper. The Sub-Committee now reports as follows:

"TO THE FINANCE COMMITTEE

Your Sub-Committee on Elevator begs leave to report:

Your Sub-Committee met on the 1st April 1968, the following members being present: Mr. Howland, Chairman, and Messrs. Levinter and Pepper.

Mr. Heeney attended at the Chairman's invitation.

The Sub-Committee gave careful consideration to three possibilities:

1. Extending the present freight elevator upward to the third floor lounge and converting it to a passenger and freight elevator.
2. Enclosing the stairwell of the north stairway in the 1937 building and constructing an elevator there from either the lower or upper basement to the third floor lounge.
3. Constructing an elevator in the quadrangle against the outer wall of Convocation Hall.

The first proposal would be the least expensive, but the least satisfactory. It would cost about $40,000.00, but it would not be possible for passengers to enter or leave the elevator at the level of Convocation Hall since to do so they would need to pass through the kitchen.

Constructing the elevator in the stairwell would cost an estimated $61,500.00, as against approximately $50,000.00 for the same type of elevator constructed in the quadrangle.

If constructed in the quadrangle, the elevator would obscure the light from one of the tall windows in Convocation Hall and would be somewhat unsightly. Your Committee considered that the stairwell was on balance the best location since it would utilize space already available in the building, and eliminate the hazard of the deep stairwell, as well as afford maximum convenience to those using the elevator. They concluded that the elevator need descend only to the upper basement and not the additional four or five feet to the lower basement which would involve an additional cost of about $5,000.00.

Your Sub-Committee therefore recommends that a suitable passenger elevator with a capacity of about ten persons be constructed in the north stairwell of the 1937 building from the upper basement to the third floor lounge at a cost of approximately $61,500.00.

All of which is respectfully submitted.

Dated — April 1, 1968.

"W. G. C. HOWLAND"
Chairman

Approved

OSGOODE HALL FENCE

The Special Committee on Osgoode Hall Fence is still negotiating an agreement with the City respecting the moving and renewal of the fence.

On March 28, 1968 an automobile severely damaged one panel of the fence and the Society's insurers were notified. The Society is retaining counsel in this matter to protect its interests.

The Secretary was informed that certain portions of the fence are in dangerous condition from the effects of the winter weather and pose a threat to pedestrians. In the absence of the Chairman, the Secretary authorized necessary repairs to be made by Art Wire and Iron Company at a cost not to exceed $1,000.00. The Committee is asked to approve the Secretary's action. *Approved*

WINDSOR POLICE ASSOCIATION

The Windsor Police Association has written to ask the Society to make a contribution to help defray the expense of an Annual General Meeting and Convention of the Police Association of Ontario which is to take place in Windsor from the 19th to 23rd August 1968.

Your Committee recommends that they be advised that the Society is not in a position to accede to their request.

MOVED THAT THE REPORT BE ADOPTED.

Moved in amendment by Mr. Cass, seconded by Mr. Ford, that in the item in the Report headed "Occasional Appearances — Transfer Fee", the words "but that Convocation be asked to fix the fee normally to be charged under the Regulation" be deleted from the Committee's recommendation, and that the word "and" be inserted after the word "Regulation".

Carried

THE REPORT AS AMENDED WAS ADOPTED.

ARREARS OF ANNUAL FEES — *Motion to Suspend*

Moved by Mr. R. F. Wilson, seconded by Mr. Levinter, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their arrears of fees are paid:

C. H. Carnahan, 50 Upper Lake Ave., Stoney Creek
G. R. R. Frame, 2 College Street, Toronto 2
Donald J. Fraser, 23 Parade St., Yarmouth, N.S.

Fred Gold, 2 Fraserwood Ave., Apt. 5, Toronto 19
John E. Harris, 112 Simcoe St. N., Oshawa
Magistrate W. R. Kennedy, Box 115, Court House, Barrie
W. A. Kenzie, 495 Deloraine Ave., Toronto 12
J. E. MacNaughton, c/o Grey Advertising Ltd., 2055 Peel St., Montreal, P.Q.
W. G. J. Nash, 75 Albert St., Ste. 504, Ottawa
O'Neill O'Higgins, 138 Wellington Street, Ottawa
Donat Pharand, Faculty of Political Sciences, University of Ottawa, Ottawa
D. R. K. Rose, c/o T. B. O'Neill, Esq., Barrister, &c., 1482 Bathurst St., Toronto 10
Remington White, "Whitecaps", Box 129, Beaverton

Carried

LEGAL EDUCATION COMMITTEE—Mr. Howland

Your Committee met on the 11th day of April, 1968, at 3:00 p.m., the following members being present: Mr. W. G. C. Howland, Chairman, Mr. S. L. Robins, Vice-Chairman, and Messrs. Henderson, MacKinnon, Thom and R. F. Wilson.

BAR ADMISSION COURSE

PETITIONS

Steven Sobolewski obtained the LL.B. degree from Osgoode Hall Law School in 1965, served under articles from 1st September, 1965, to 31st August 1966, and attended the teaching period of the Bar Admission Course commencing September, 1966. He did not attain pass standing in three subjects and consequently failed the Bar Admission Course. At its meeting on 9th March, 1967, the Committee refused Mr. Sobolewski's petition to be called to the Bar and admitted as a solicitor in March, 1967.

Mr. Sobolewski was permitted to repeat the teaching period of the Bar Admission Course commencing September, 1967. Again he did not attain pass standing.

A petition from Mr. Sobolewski, including a letter from his doctor, is before the Committee requesting that he be granted aegrotat standing and be admitted to the Bar of Ontario.

Mr. E. Lawrence Stone attends and addresses the Committee.

Your Committee recommends that the petition be refused.

Anthony R. Norfolk, an English solicitor, entered the Bar Admission Course in September, 1967, and is presently under articles. Mr. Norfolk has become involved in litigation of considerable importance which is expected to come to trial at the end of this year. He asks permission to postpone for one year his attendance at the teaching period and be allowed to enter in September, 1969. A letter from his principal, in support of this petition is before the Committee.

Your Committee recommends that his petition be granted, provided he continue under articles until entering the teaching period in September, 1969.

ONTARIO INSTITUTE FOR STUDIES IN EDUCATION

The Chairman, Dean Lederman and the Secretary had a lengthy meeting on 29th March, 1968, with Dr. Watson of the Ontario Institute for Studies in Education.

Dr. Watson agreed to furnish within approximately two months up-to-date projections of the number of students which it is anticipated will be applying for entry into the Ontario Law Schools. *Noted*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE — Mr. Howland

Your Committee met on the 11th of April, 1968, at 2:30 p.m., the following members being present: Mr. W. G. C. Howland, Vice-Chairman in the Chair, and Messrs. MacKinnon, Robins and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

BAR ADMISSION COURSE

The following candidates having successfully completed the Ninth Bar Admission Course, filed the necessary documents and paid the required fee, now apply for Call to the Bar and to be granted a Certificate of Fitness:

Robert Nestor Kostyniuk
Stuart Childs Mackay-Smith *Approved*

ADMISSION OF STUDENT-AT-LAW

BAR ADMISSION COURSE

The following candidate having complied with the relevant regulations, paid the required admission fee and filed the necessary papers, applies for admission to the Law Society as a student-at-law in the Bar Admission Course, as of September 1, 1968:

Under Transfer Regulation No. 11

2. HASSIM, Enver	South Africa

Approved

DIRECT TRANSFER

Anthony C. Abbott (LL.B. Osgoode Hall Law School 1962) has been an active member in good standing of the Law Society of Alberta since September 1963. He seeks to proceed under Regulation 2. *Approved*

Gerald Gregory Brodsky (LL.B. University of Manitoba Law School 1963) was called to the Bar of Manitoba in 1963. He seeks to proceed under Regulation 2. *Approved*

James Evelyn Burnett (LL.B. Dalhousie University 1947) was called to the Bar of the Province of Prince Edward Island and admitted as a solicitor in June 1947. He holds a current practising certificate from The Law Society of Prince Edward Island. In 1959 the applicant quit practice in Prince Edward Island and bought a newspaper in Guelph, Ontario. In January 1966 he applied to proceed under Regulation 2 but the Committee decided he was not qualified to do so. In June 1966 he accepted an appointment as a solicitor in the Customs and Excise Department of National Revenue. The legal staff of that department were transferred to the Department of Justice in 1968. The petitioner is serving the Department of Justice as a solicitor in London, Ontario and seeks to proceed under Regulations 2 and 4.

Your Committee recommends that he be informed he cannot qualify to proceed under Regulations 2 and 4.

Gerald Potasky (LL.B. Manitoba Law School 1965) was called to the Bar in Manitoba in December 1965. Just prior to his Call, and with the consent of the Secretary of the Law Society of Manitoba, Mr. Potasky came to Toronto to work in the Legal Department of the Industrial Development Bank. In September 1966 Mr. Potasky entered the Bar Admission

Course continuing with the same Government Agency for his articling period.

The Committee, in September 1967, approved a special petition made by Mr. Potasky to withdraw from the Bar Admission Course for financial reasons but without prejudice to any right he may have to re-enter the Bar Admission Course in the future.

Mr. Potasky now seeks to proceed under transfer Regulation 2. He is employed by the Industrial Development Bank in Toronto.

Your Committee recommends he be advised he is not qualified to proceed under Regulations 2 and 4.

Murray Harvey Tapper (LL.B. Manitoba Law School 1954) was called to the Bar and admitted as a solicitor in 1956 and has practised continuously in Manitoba to the present. He asks to proceed under Regulation 2. *Approved*

W. J. Trainor (B.Sc University of Alberta 1943; LL.B. University of British Columbia 1950) was called to the Bar of British Columbia and admitted as a solicitor in 1951. He practised in Vancouver continuously until August 1963 when he was appointed a Police Magistrate for the Yukon Territory and a Judge of the Juvenile Court. He has since been appointed Deputy Police Magistrate in and for the Northwest Territories and a Magistrate in and for the Province of British Columbia. He also holds an appointment as a District Magistrate in British Columbia, and is a member in good standing of the Law Society of that Province. He seeks to proceed under Regulation 2. *Approved*

COMMONWEALTH TRANSFER

Jagannath Baburao Annam (B.A. University of Poona 1956; LL.B. University of Bombay, India, 1958), was admitted as an Advocate of the High Court of Judicature at Bombay in 1959, and was entered in the Roll of Advocates maintained by the Bar Council of Maharashtra in 1962. He obtained an LL.M. degree at Bombay University in 1966. Mr. Annam was in active practice for eight years in India prior to his going to England in October 1967 . He seeks to proceed under Regulation 11.

Approved, subject to the new Regulations

George Eton Luck (B.A. University of London 1940; B.Sc. in Economics with Honours University of London 1945; LL.B. University of London 1949). Mr. Luck was called to the

English Bar in 1956. He was appointed Assistant Secretary, Windward Islands in 1950; then Principal Assistant Secretary, Guyana, in 1954 and Permanent Secretary, Guyana, in 1957, in the British Colonial Administrative Service. He was admitted to practise as a barrister in Guyana in 1961 and came to Canada in 1963. Since November of that year he has been employed by a bank in Toronto. He seeks to become a member of the Bar of Ontario.

Your Committee recommends he be advised he does not qualify under the Society's Regulations.

Kanaparthy V. S. Rao (B.Sc. Government Arts College, Rajahmundry 1949; LL.B. Law College University of Poona, Bombay, 1955) was enrolled as an advocate of the High Court of Andhra Pradesh in 1957, and has practised as a lawyer continuously until he left India in December, 1967. He seeks to proceed under Regulation 11.

Approved subject to the new Regulations

J. R. Toms (LL.B. University of Queensland December, 1963) was admitted as a solicitor of the Supreme Court of Queensland on the 18th December 1963. Since then he has practised with the Queensland Justice Department, the Commonwealth Attorney-General's Department, in Canberra, and since September 1966 as Crown Counsel within the Legal Department of the Hong Kong Government, where he is at the present. He seeks to proceed under Regulation 10.

Your Committee recommends he be informed that he cannot proceed under Regulation 10 and should reapply under Regulation 11 in December 1968.

Neil James Williams (LL.B. (Honours) University of Melbourne 1955), was admitted to the Supreme Court of Victoria as a barrister and solicitor in March 1956. In February 1957 he was called in Victoria. He practised as a barrister until June 1966 when he joined a firm of solicitors in Melbourne where he is presently practising. He seeks to proceed under Regulation 10. *Approved*

THE REPORT WAS ADOPTED.

MOTION TO AMEND REGULATIONS

Moved by Mr. Howland, seconded by Mr. Robins, THAT Regulations 9 and 11 of the Regulations of the Admissions

Committee be repealed; that Regulation 10 be renumbered Regulation 9; that the following Regulation be enacted as Regulation 10:

"An applicant who:

(a) is entitled to practise at the Bar of the Supreme Court of England, Scotland, Northern Ireland or the Republic of Ireland (Eire) and who presents a certificate of good standing and satisfactory evidence that he holds a university degree, not necessarily in law, from an approved university, and who has been in active practice in the United Kingdom (or the Republic of Ireland (Eire)) for a continuous period of at least five years immediately preceding his application, and is a fit and proper person to be a member of the Society, may enter the Bar Admission Course and upon successful completion thereof and upon establishing that he is a Canadian Citizen or British Subject and upon paying the prescribed fee, be called to the Bar and admitted as a solicitor; or

(b) is entitled to practise law in a Commonwealth country and who presents a certificate of good standing and satisfactory evidence that he holds a university degree in English Common Law from an approved university and who has been in active practice in a Commonwealth country for a continuous period of at least five years immediately preceding his application, may write the prescribed examinations and, if he passes them, and if he is a fit and proper person to be a member of the Society, may be enrolled in the Bar Admission Course and upon successful completion thereof and upon paying the prescribed fee, be called to the Bar and admitted as a solicitor; or

(c) is entitled to practise in the United States of America and presents a certificate of good standing and satisfactory evidence that he holds a university degree in law from an approved university and who has been in active practice in the United States of America for at least five years immediately preceding his application, may write the prescribed examinations and if he passes them, and is a fit and proper person to be a member of the Society, may enter the Bar Admission Course and upon successful completion thereof and upon establishing that he is a Canadian Citizen or British Subject and

> upon paying the prescribed fee, be called to the Bar and admitted as a solicitor.";

and that Regulation 12 be renumbered Regulation 11.

Carried

DISCIPLINE COMMITTEE—Mr. Gray

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF ROBERT CHARLES HAYS OF THE TOWN OF GODERICH, A BARRISTER AND SOLICITOR

On the 17th day of November 1967 a Notice of Complaint was served upon the Solicitor by registered mail in accordance with the Rules containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Have not replied to letters from the Law Society of Upper Canada in connection with complaints about your professional conduct;
> 2. Having been retained on different occasions during the years 1964, 1965, 1966 and 1967 by a client to represent it in respect of certain collection matters, failed to proceed in accordance with your client's instructions;
> 3. Having been retained in or about the month of June 1967 by a firm of Barristers and Solicitors, to act as their agent in respect of a mortgage transaction, failed to proceed in accordance with your principal's instructions;
> 4. Having been retained in or about the year 1960 to act as solicitor in the administration of an estate, failed to take the necessary steps to ensure that the administration of the Estate was completed."

and a further complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. contrary to Rule 3 of the Rules Respecting Accounts, have drawn money from your trust account other than money properly required for payment to or on

behalf of clients or in respect of liabilities of clients to you;

2. contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times, and particularly in the month of December 1967, sufficient money on deposit in your trust bank account with which to satisfy your indebtedness to clients for trust funds;
3. failed to comply with a letter from the Law Society dated the 10th of January 1968 directing you to produce and make available to Mr. Robert L. Anderson by no later than the 17th day of January 1968 explanations of certain disbursements made by you from your trust bank account to or on behalf of a client;
4. contrary to Rule 11 of the Rules Respecting Accounts, have failed to produce to the Law Society's Accountant such evidence, vouchers, records, books and papers as such Accountant requested for the purpose of his investigation;
5. have not replied to letters from the Law Society of Upper Canada in connection with a complaint about your professional conduct;
6. having been retained in or about the month of February 1967 by a client to represent it in a collection matter, failed to carry out your client's instructions."

The Solicitor's Counsel for a number of reasons asked the Committee to permit the Solicitor to resign his membership in the Law Society.

Upon the evidence before it with the exception of Complaint No. 4 on the Notice of Complaint dated 30th January 1968 your Committee consisting of Mr. W. B. Common (Chairman) and Messrs. Thom, Bull and Henderson, finds all of the complaints in both Notices of Complaint to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Robert Charles Hays was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 8th day of April 1960.

All of which is respectfully submitted.

Dated this 11th day of April 1968.

"W. B. COMMON"
Chairman

Moved by Mr. Gray, seconded by Mr. Thom, that the Report be adopted.

The solicitor attended with his counsel, Mr. J. M. Donnelly, Q.C. Counsel asked to be allowed to make representations on behalf of the local Bar of Huron County who all attended, with the exception of two who were unable to come.

Counsel retired while Convocation considered whether to hear him in a representative capacity for the Huron Law Association.

Moved by Mr. Cass, seconded by Mr. MacKinnon, that counsel be allowed to address Convocation, both as a representative of the local Bar, and as counsel for the solicitor. *Carried*

The solicitor and his counsel returned and counsel addressed Convocation at length.

After considering all of the submissions made by counsel it was moved in amendment by Mr. Robins, seconded by Mr. Cass, that the solicitor be allowed to resign his membership in the Society upon giving an undertaking suitable to the Society, including an undertaking that he will make no application to be reinstated as a member of the Society in the future. *Carried*

The solicitor and his counsel returned and were informed of Convocation's decision. The solicitor undertook to Convocation that he would not practise in the interval from this date until his membership in the Society ceased, and that he would give in writing the other undertaking the Society required.

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF RICHARD ANGELO PINER OF THE CITY OF SAULT STE. MARIE, A BARRISTER AND SOLICITOR.

On the 27th day of February 1968 a Notice of Complaint was served upon the Solicitor by registered mail in accordance with the Rules containing the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:

1. Personally affixed the name of a solicitor as signatory on the following documents, namely:
    (a) A document dated the 26th day of May 1965 purporting to be a certificate wherein it is stated that the solicitor provided independent advice to a person named in respect of a certain Mortgage Indenture dated the 26th day of May 1965, and
    (b) A document purporting to be an Affidavit of Execution sworn on the 26th day of May 1965 before you R. A. PINER as Commissioner and referring to an annexed instrument as being executed by one of the parties thereto.
2. Purported to swear the deponent of the document referred to in complaint number 1(b), by affixing your signature to the Jurat thereto.

This Notice of Complaint was returnable on Monday, the 11th day of March 1968 when your Committee met, the following members being present: Mr. W. Williston, Chairman, and Messrs. McLaughlin, Common and Chappell. Mr. Gordon S. MacDonald, Q.C., appeared as Counsel for the Solicitor. The Notice of Complaint was read and the Solicitor acknowledged its receipt.

Upon the evidence before it your Committee finds the complaints to be established. Your Committee appreciates the seriousness of this offence but accepts the evidence of the Solicitor that once the documents in question were prepared and in the file he had no intention of ever using them.

Your Committee recommends that the Solicitor be reprimanded in Convocation and that he be required to pay the costs of the Society's investigation. Your Committee further recommends that the fact of the reprimand of the Solicitor be published in the Ontario Reports.

Mr. Richard Angelo Piner was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 25th day of June 1959.

All of which is respectfully submitted.

DATED this 1st day of April 1968.

"W. B. WILLISTON"
Chairman

Mr. O'Driscoll absented himself during consideration of this matter.

The Solicitor attended with his counsel, Mr. Gordon S. Macdonald, Q.C. They were informed that the written report of the Discipline Committee was before each member of Convocation.

Mr. Gray presented the Report and moved its adoption. seconded by Mr. Ford.

Counsel addressed Convocation and submitted that if the Report be adopted the Solicitor's name should not be published.

By way of amendment it was moved by Mr. Maloney, seconded by Mr. Raney, that the matter be published but without the Solicitor's name.

The amendment was lost and the Report adopted.

The Solicitor returned and was reprimanded by the Treasurer.

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF WILLIAM JOHN GREENING OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR.

Complaint having been received with respect to the Solicitor's professional conduct, Notice of Complaint was served upon him, returnable before your Committee the 24th of November 1967. It contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a barrister and solicitor in that you:
>
> 1. Wrongly gave to your clients, Leonard Ray and Julia Ray untruthful information pertaining to the title of lands and premises on Broadoaks Drive known as the east part of Lot 81 in the Township of North York, which they purchased under an agreement of purchase and sale dated the 3rd day of December 1964, and in respect to which you acted as their Solicitor on the purchase; namely:
>
>   (a) By your reporting letter dated January 11th 1965, directed to Mr. and Mrs. Leonard Ray you stated:—
>
>   (1) 'Your purchase of the above lands and premises was completed in accordance with the statement of adjustments drawn as of December 11th 1964, a copy of which is enclosed herein.'

(2) 'We are retaining your duplicate *registered* transfer in our file for safekeeping.'

(3) 'Before closing, a search of the title was made at the Land Titles Office and in our opinion, you have a good and marketable title to the property subject to the following (which did not include reference to an existing registered lien.)'

(4) *'Second Mortgage*

'This mortgage *registered* against your property is in favour of Derrydown Homes Limited. It is in the sum of $5,400.00 . . .'

All of which statements were substantially false.

(b) By your letter dated January 24th 1966, directed to Mr. and Mrs. Leonard Ray you stated:—

(1) 'Finally in June, 1965, the said Lien was discharged.'

(2) 'After some time, the mortgage (that is a revised second mortgage) was signed.'

All of which statements were substantially false.

2. That you did at some time between December 18th, 1964 and January 20th, 1966, forge a second mortgage for registration on title to the aforementioned lands and premises purchased by Leonard Ray and Julia Ray by substantially altering without the authority or consent of the said Rays a second mortgage executed by them on December 18th, 1964, to secure the sum of $5,400.00, such alteration consisting of the replacement of the first and second pages thereof and the changing of the fifth page so that the instrument as altered purported to be a mortgage to secure the sum of $3,900.00.

3. That you did at some time between December 18th 1964, and January 20th, 1966, knowing that a second mortgage described more particularly in the next preceding paragraph hereto purporting to secure the repayment of the sum of $3,900.00 was in fact a forgery, did deliver or cause same to be delivered to the solicitors for the vendor, Derrydown Homes Limited, namely, Messrs. Gambin and Bratty, Toronto, to be acted on by the said solicitors as a proper security for the payment of the said sum of $3,900.00."

Your Committee met at the appointed time, composed of Mr. W. B. Common, Chairman, and Messrs. Goodman and P. D. Wilson. The solicitor attended with his counsel, Mr. Gordon S. Macdonald, Q.C. Counsel for the Society was Mr. W. J. Smith, Q.C. Counsel for the solicitor sought and was granted an adjournment to the 9th of January 1968 at 10:30 a.m. No evidence was taken. Subsequently it was mutually agreed that the adjournment should be to the 12th of January 1968. On that day your Committee was composed of Mr. Gordon Ford, Vice-Chairman, in the Chair, and Messrs. Dubin, Evans and Pepper. The solicitor attended with his counsel. Counsel for the Society was also present. Service of the Notice of Complaint was admitted.

Upon the evidence before it, your Committee finds the first specific complaint to be established and the second and third specific complaints to be not established and recommends that the solicitor be suspended from practice for a period of three months and that he be required to pay the costs of the Society's investigation.

William John Greening was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 22nd of June 1960.

Your Committee further notes that on the evidence before it on the hearing of these complaints it was obvious that the solicitor had virtually abandoned his entire real estate practice to be carried on by his secretaries who, with his general authority and approval, carried out the entire transactions, from beginning to end, including seeing clients, closing the transactions, preparing the reporting letters of clients and signing same in the solicitor's name.

Your Committee is not aware of how widespread this dangerous and improper delegation of authority to unqualified persons is, but was appalled by the evidence of the practice as indicated in these proceedings and recommends that consideration be given by Convocation to publishing in the Ontario Reports a general condemnation of this practice.

All of which is respectfully submitted.

DATED this 11th day of April 1968.

"GORDON W. FORD"
Chairman

The solicitor attended with his counsel, Mr. Gordon S. Macdonald, Q.C. They were informed that the written report of the Discipline Committee was before each member of Convocation.

It was moved by Mr. Gray, seconded by Mr. Ford that the report be adopted.

Mr. Macdonald addressed Convocation.

Moved by Mr. Robins, seconded by Mr. Howland, that the Report be amended by substituting for the recommended penalty, a reprimand in Convocation with publication including the solicitor's name, and a requirement that he pay the costs of the Society's investigation. *Carried*

The Report as amended was adopted.

The solicitor and his counsel returned and were advised of Convocation's decision.

Counsel retired, and the solicitor was reprimanded by the Treasurer.

Convocation was then adjourned to the 2nd May 1968, at 10 a.m.

MEETING OF CONVOCATION

(adjourned from April 19, 1968)

Thursday, 2nd May 1968
10 a.m.

PRESENT:

The Treasurer, and Messrs. Bowlby, Callon, Dubin, Fennell, Ford, Goodman, Gray, W. E. Harris, Henderson, Levinter, G. A. Martin, MacKinnon, O'Driscoll, Pepper, Robins, Roebuck, Seymour, Slemin, Steele, Strauss, Thom, Weir and R. F. Wilson.

The Treasurer drew to the attention of Convocation the fact that, for the first time in many years the Prime Minister of Canada is a Bencher of the Society by reason of his being a member of the Bar of Ontario and continuing to hold the office of the Minister of Justice.

PROFESSIONAL CONDUCT COMMITTEE

Mr. Fennell, Chairman, presented the Report of the Professional Conduct Committee:

Your Committee met on the 11th day of April 1968, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Howland and Strauss.

1. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS.

REPORT OF THE SUB-COMMITTEE ON RULINGS 16, 17 and 18.

At its meeting on the 13th of April 1967, the Committee approved the appointment of a Sub-Committee to reconsider all aspects of Rulings 16, 17 and 18 of the Professional Conduct Handbook, and that the Sub-Committee be composed of Messrs. Goodman, MacKinnon and Callon. The Sub-Committee has completed its deliberations with respect to Ruling 16, and your Committee has now received the Sub-Committee's Report:

"TO THE PROFESSIONAL CONDUCT COMMITTEE

On the 13th of April, 1967, the Professional Conduct Committee approved the appointment of a Sub-Committee to reconsider all aspects of Rulings 16, 17 and 18 of the Professional Conduct Handbook. The Chairman appointed Messrs. Goodman, MacKinnon and Callon.

"Subsequently, the Sub-Committee requested a Notice to the Profession be placed in the Ontario Reports asking the members for their comments.

Your Sub-Committee met on the 7th of February, 1968 and again on the 7th March, to consider various letters forwarded by members of the profession in response to the Notice published in the Ontario Reports during the week of September 8th, 1967, after which deliberation your Committee recommended that the present Ruling 16 be amended.

The Sub-Committee, in the course of its deliberations, also came to the conclusion that it would be advisable to amend Ruling 10 to permit the addition to letterheads of degrees and honours regularly recognized or identified by initials and accordingly recommended that the Committee give consideration to such an amendment. Your Committee is considering further the suggested amendment to Ruling 10.

Your Committee concurs in the Sub-Committee's Report with respect to the amendments to Ruling 16 and recommends that Ruling 16, as amended, be published in the Ontario Reports to obtain the views of the profession generally.

All of which is respectfully submitted.

11th April, 1968.

"S. E. FENNELL"
Chairman

Convocation considered clause by clause the recommendations respecting Ruling 16, and approved it in revised form for publication in the Ontario Reports.

THE REPORT AS AMENDED WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on the 11th of April 1968, the following members being present: Mr. Steele, Chairman, and Messrs. Strauss, Cassels and Creighton.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to March 31st, 1968 are as follows:

	Great Library		
	Books	*Sundries*	*Salaries*
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	14,481.42	1,753.74	58,658.84

	Phillips Stewart Library		
	Books	*Salaries*	*Temp. Help*
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,325.32	22,288.14	4,058.38

Approved

COUNTY LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1968 is as follows:

	1968	*1967*
Essex	1,850.00	1,850.00
Lindsay	708.33	756.67
Muskoka	600.00	600.00

Nipissing	691.67	666.67
Norfolk	675.00	600.00
Rainy River	600.00	600.00
Simcoe	1,850.00	1,602.00
York	3,500.00	3,500.00

To date, all but ten of the County and District Law Associations have submitted annual returns. *Approved*

Cochrane Law Association Annual Grant

The annual grant for Cochrane Law Association reported on February 8th 1968 at $1,075.01, should have read $955.01. The cheque was sent out in the proper amount and Law Society records will accordingly be corrected. *Noted*

All of which is respectfully submitted.

Dated the 11th of April 1968.

"RALPH D. STEELE"
Chairman

THE REPORT WAS ADOPTED.

Re: Distribution of the new Divorce Rules

Moved by Mr. Steele, seconded by Mr. Ford, that arrangements be made for the publication in the Ontario Reports of the new Divorce Rules passed by the Rules Committee.
Carried

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on the 11th of April, 1968, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Fennell, Raney, Henderson, Chappell, Steele, Williston.

The following matters were considered by your Committee and the following instructions were given:

1. A Report was received from the Society's investigator on the activities of a man who allegedly has held himself out to a number of people as being a lawyer, and who is not so qualified.

   This matter is being referred back to the investigator for further investigation and report.

2. Information was received in respect of the activities of two Notaries Public. Both matters are being referred to Counsel for further investigation and with authority to prosecute if he deems it advisable.
3. Information was received in respect of a Chartered Accountant who apparently has been incorporating companies.
   This matter is being referred to Counsel for investigation and with authority to prosecute if he deems it advisable.
4. Information was received in respect of the activities of a person who is not a lawyer and who does conveyancing work.
   This matter is being referred to the Society's investigator for a report.
5. A letter was received from a firm of solicitors suggesting that the Law Society write the publishers of a particular article which in the firm's opinion gives erroneous legal advice.
   This matter is being referred to the Public Relations Committee for decision.

All of which is respectfully submitted.

Dated the 11th of April 1968.

"N. STRAUSS"
Chairman

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON ORGANIZATION OF CONVOCATION AND COMMITTEES—Mr. Robins

Your Committee met on the 11th of April, 1968, the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Bowlby, Steele, Thom and R. F. Wilson.

ANNUAL MEETING

Your Committee was asked to produce a draft Rule respecting an annual meeting of the members of the Society. Your Committee recommends the adoption of the following Rule as Rule 31-A of the Rules of the Society:

31-A There shall be in each year a meeting of the members of the Society at such time and in such place as Convocation may from time to time determine to consider the following matters:

(1) Minutes of previous annual meetings.
(2) Matters arising from the Minutes.
(3) Report of Treasurer.
(4) Reports of Standing Committees of the Society.
(5) Presentation of Financial Statement.
(6) Matters of professional interest.

Notice of such meeting shall be given at least one month before the date of the meeting by publication in the Ontario Reports.

SECRET BALLOT

Your Committee was asked to propose a method of rendering secret the ballots cast in a Benchers' election. Your Committee proposes that each member be sent two envelopes, one inside the other. The inner one would be addressed to the Society and would contain a ballot. The larger outer envelope would be addressed to the Society and would bear a space where the voter would sign and also a number which would correspond to the voter's number on the voters' list. This would enable the signature to be identified in case it is unreadable.

The voting procedure would be that during the voting period at a certain time each day the outer envelope would be inspected in the presence of the scrutineers and the name of the voter marked off the voters' list. The outer envelope would then be opened in the presence of the scrutineers and of the voter, if he wishes, and the inner envelope dropped unopened into a ballot box either by the voter or by the Secretary in the presence of the scrutineers. The outer envelope would be retained until the time for appeal against the election of any Bencher had elapsed. At the end of the voting period the ballot box would be opened and the inner envelopes would be opened and the unidentifiable ballots counted.

All of which is respectfully submitted.

Dated — 11th April, 1968.

"SYDNEY L. ROBINS"
Chairman

Moved by Mr. Robins, seconded by Mr. MacKinnon, that the Report be amended by changing items (3) and (4) of Rule 31A to read:

"(3) Report on the work of the Society and its Committees" and by adding a provision that the Rule come into force on the 1st January 1969. *Carried*

Moved by Mr. MacKinnon, seconded by Mr. Bowlby, that items (1) and (2) of the Rule be deleted. The motion was lost.

Moved by Mr. Goodman, seconded by Mr. Thom, that Item (2) of the Rule be deleted and that the items be renumbered. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

Rule 31A as amended above reads as follows:

31-A. There shall be in each year a meeting of the members of the Society at such time and in such place as Convocation may from time to time determine to consider the following matters:

(1) Minutes of previous annual meetings.

(2) Report on the work of the Society and its Committees.

(3) Reports of Standing Committees of the Society.

(4) Presentation of Financial Statement.

(5) Matters of professional interest.

Notice of such meeting shall be given at least one month before the date of the meeting by publication in the Ontario Reports.

This Rule is to come into force on the first day of January, 1969.

DISCIPLINE COMMITTEE

Mr. Gray presented the Report of the Discipline Committee:

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF WILFRID PALMER GREGORY OF THE CITY OF STRATFORD, A BARRISTER AND SOLICITOR.

A Notice of Complaint was served upon the solicitor, dated the 12th of January 1968 and returnable before your Committee on Friday the 9th of February 1968 at 10.30 a.m. It contained the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of conduct unbecoming a Barrister and Solicitor in that,

At a time when you were the beneficial owner of a one-quarter interest in certain property at West Lorne, Ontario, and also a director and member of the executive committee of British Mortgage and Trust Company,

(a) You did between March 28th, 1962, and May 1st 1962, personally participate in the corporate procedures of the said trust company whereby it approved a first mortgage loan to the nominal purchaser of the said property, namely, William Pike, in the amount of $35,000 without disclosing your personal interest therein to the Directors of the said trust company.

(b) You did on or about March 26th 1962, in furtherance of the above referred to application to British Mortgage and Trust Company for a mortgage loan, submit a written valuation of the aforementioned property under your signature for presentation to the executive committee of the said trust company as evidence of the true value thereof without disclosing your personal interest in the said property to the other members of the executive committee.

(c) You did personally promote the sale of the aforementioned property to the Trustee of the Pension Fund of John Gaffney Construction Company Limited, namely, British Mortgage and Trust Company, by recommending the purchase thereof to John Gaffney, an officer of the said company, well knowing that the purchase price would result in a personal profit to yourself as well as to your associates, without disclosing to the said John Gaffney your proprietary interest in the said property.

(d) You did as between May 1st, 1962, and May 29th, 1962, personally participate in the corporate procedures of the said trust company whereby in its capacity as Trustee of the Pension Fund of John Gaffney Construction Company Limited, it did approve the purchase of the said property at West Lorne for the said Fund without disclosing your personal interest in the said property to the Directors of the said trust company, and further without disclosing to them that you stood to profit personally by such sale and that you subsequently did so profit as as a result of such sale.

Your Committee met at the appointed time and was composed of the following members: Mr. W. Gibson Gray, Chairman, in the Chair, Mr. Gordon Ford, Vice-Chairman, and Messrs. Bowlby, Bull, Chappell, Dubin, H. E. Harris, Levinter, Pepper, Robins, Strauss and P. D. Wilson. Mr. W. J. Smith, Q.C., attended for the Society and the solicitor attended with his counsel, Mr. J. T. Weir, Q.C., and Mr. G. J. Smith.

Upon the evidence before it, your Committee finds the specific complaint to be established.

With respect to the specific complaint, the solicitor held a fiduciary position as Managing Director of British Mortgage and Trust Company and actively participated in the investment of the Company's trust funds. He was under a clear legal and moral obligation to disclose his personal interest in the West Lorne property to both the Trust Company and the Pension Fund. In not having done so the solicitor failed to maintain the standard of ethics and integrity expected of members of the Law Society. The solicitor's conduct in all the circumstances of this case was, in the judgment of the Committee, contrary to the best interests of the public and the legal profession and constitutes conduct unbecoming a Barrister and Solicitor. Your Committee recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published.

Wilfrid Palmer Gregory was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 18th of June 1936.

All of which is respectfully submitted.

Dated the 8th day of April 1968.

"W. Gibson Gray"
Chairman

Mr. R. F. Wilson and Mr. E. A. Goodman retired from the meeting before consideration of this Report.

The Report was read and Mr. Gray moved its adoption, seconded by Mr. Robins.

The solicitor attended with his counsel, Mr. J. T. Weir, Q.C., who addressed Convocation.

Mr. Levinter left the meeting during counsel's address to Convocation, took no part in the discussion, and did not vote.

The solicitor and his counsel retired, and Convocation considered the Report.

The Report of the Committee was adopted.

The solicitor and his counsel returned and were informed of Convocation's decision.

Counsel retired, and the solicitor was reprimanded by the Treasurer.

CONTINUING EDUCATION COMMITTEE

Special Lectures 1968 — Moved by Mr. Robins, seconded by Mr. Gray that the 1968 volume of Special Lectures be dedicated to the memory of Mr. W. Earl Smith, Q.C. *Carried*

APPOINTMENT OF REPRESENTATIVE TO THE SENATE OF THE UNIVERSITY OF TORONTO

Moved by Mr. R. F. Wilson, seconded by Mr. G. A. Martin, that Mr. Gordon W. Ford, Q.C., be appointed the Society's representative to the Senate of the University of Toronto for the Quadrennium 1968-72. *Carried*

PRESENTATION

The Treasurer reported that Mr. John A. M. Galilee has presented to the Law Society an original note said to have been made by the claimant during the Tichbourne Trial.

Ordered that the presentation be received with thanks.

LEGAL AID PROGRAMME COMMITTEE

Mr. Callon, Chairman, presented the Report of the Legal Aid Programme Committee.

Your Committee met on Friday, the 26th day of April, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Borczak, Ford, Gray, Martin, O'Driscoll, Sale and Waugh.

PROPOSED AMENDMENTS TO THE LEGAL AID ACT, 1966 AND ONTARIO REGULATION 100/67

At the meeting of Convocation on April 9th, 1968, Convocation reviewed and approved the proposed amendments to the Legal Aid Act, 1966 and Ontario Regulation 100/67.

Certain proposed amendments were referred back to the Legal Aid Programme Committee for further consideration.

The remainder of the proposed amendments were carefully considered by Convocation. The report as amended was adopted.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of May 1968.

"W. G. C. HOWLAND"
Treasurer

MEETING OF CONVOCATION

Friday, 17th May 1968
10 a.m.

PRESENT:

Messrs. Arnup, Bowlby, Bull, Callon, Cass, Clement, Creighton, Dubin, Evans, Fennell, Ford, Gray, H. E. Harris, Howland, Levinter, Martin, MacKinnon, O'Driscoll, Pattillo, Pepper, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

Mr. Terence Sheard, Q.C., was elected Chairman.

ELECTION OF TREASURER

Mr. W. G. C. Howland, Q.C., was elected Treasurer for the ensuing year.

Mr. Howland took the Chair and expressed his appreciation for the honour which had been conferred on him in electing him as the 50th Treasurer of the Society. He reviewed the principal matters which Convocation would have to consider during the coming year including the alterations to be made to the Law Society's building when the Osgoode Hall Law School moves to York University. He expressed the hope that the Law Society would play a much more extensive role in Continuing Legal Education and that its work would be coordinated with that of the Canadian Bar Association, the Law Schools and the County Law Associations. He also stressed the importance of long-range planning. This includes such matters as the need for lawyers in Ontario, the manner in which computers might be used to serve the legal profession, and the question of specialization in the legal profession.

The Minutes of the meetings of Convocation of the 9th April, 19th April and 2nd May 1968 were read and confirmed.

APPOINTMENT OF AUDITORS

Moved by Mr. Levinter, seconded by Mr. Steele, that Clarkson Gordon & Company be appointed Auditors of the Society for a period of one year from the 1st July 1968 at an annual fee of $2500.00. *Carried*

CANADIAN BAR ASSOCIATION

Moved by Mr. Bull, seconded by Mr. H. E. Harris, that Mr. J. D. Arnup, Q.C., and Mr. S. L. Robins, Q.C., be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the annual meeting of the Association in 1968. *Carried*

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Moved by Mr. Thom, seconded by Mr. Strauss, that Mr. W. G. C. Howland, Q.C., be appointed the Society's representative on the Executive of the Conference of the Governing Bodies of the Legal Profession in Canada. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 9th day of May, 1968, at 3 p.m., the following members being present: Mr.

W. G. C. Howland, Chairman, Mr. S. L. Robins, Vice-Chairman, and Messrs. Callon, Henderson, Pattillo, Slemin and R. F. Wilson.

LAW SOCIETY PENSION FUND

At its meeting on 11th April, 1968, the Committee had before it a memorandum from the Dean respecting Pension Rights of Law School Staff on affiliation with York University. The matter was stood over for consideration at this meeting.

Your Committee recommends that subject to the approval of the Finance Committee the vesting provisons be waived and that the Society pay the cost of withdrawal in the amount of $4,770.99.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 9th day of May, 1968, at 2:30 p.m., the following members being present: Mr. W. G. C. Howland, Vice-Chairman in the Chair, and Messrs. Callon, Slemin and R. F. Wilson.

SPECIAL CALL TO THE BAR

— *Under Regulation 11* — *Occasional Appearances*

By Resolution of Convocation 19th April, 1968, without fee.

Walter C. Newman, Q.C., Manitoba

APPROVED SUBJECT TO HIS GIVING
HIS WRITTEN UNDERTAKING IN
ACCORDANCE WITH THE REGULATION

UNITED KINGDOM SOLICITORS

John Webster Adams holds a current practising certificate as an English solicitor and seeks to proceed under Regulation 8. *Approved*

Ian Archibald Murdoch Birnie, of the Law Society of Scotland, presents a current practising certificate and seeks to proceed under Regulation 8. *Approved*

William H. Evans asks to be allowed to proceed under Regulation 8 subject to his passing his last two examinations in August 1968, and producing a current practising certificate as a United Kingdom solicitor before December 1968.

Your Committee recommends he be approved subject to his producing a practising certificate before December 1968.

Jason Lee. The applicant is a qualified United Kingdom solicitor and applies to proceed to practise in Ontario under Regulation 8. *Approved*

Sidney Sze-Lim Poon, a solicitor in Hong Kong, will have completed the three years of practice necessary to obtain his United Kingdom solicitor's practising certificate in June 1968. He seeks to proceed under Regulation 8, to enter the September Bar Admission Course, subject to his presenting a current practising certificate as a United Kingdom solicitor before December 1968.

Your Committee recommends he be approved subject to his producing a practising certificate before December 1968.

PROFESSOR GERALD ERIC LE DAIN, DEAN, OSGOODE HALL LAW SCHOOL

At its meeting on the 2nd of May, 1968, Convocation adopted the suggestion that Professor Gerald Eric Le Dain, Dean of Osgoode Hall Law School, be called to the Bar and admitted as a solicitor in Ontario before the 1st of July, 1968.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May, 1968, is before the Committee. Six candidates sat the examination. Two have passed and four have failed. *Approved*

THE REPORT WAS ADOPTED.

SPECIAL CALL TO THE BAR

— Regulation 11 — Occasional Appearances

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Walter C. Newman — Special — Winnipeg, Manitoba.

FINANCE COMMITTEE—Mr. R. F. Wilson

Your Committee met on the 9th day of May 1968, the following members being present: Mr. R. F. Wilson, Chairman, and Messrs. Fennell, Henderson, Howland, Levinter and Pepper.

Accounts

The Secretary reports that from the 1st April to the 30th April 1968 accounts, including Library Accounts, properly approved, to the amount of $79,400.36 have been paid.

Approved

Financial Statement

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 30th April 1968. *Approved*

Rolls and Records

The Secretary reports:

(1) That the following former members of the Law Society have died:

Harry M. Sherman, Q.C.,	Called — 20 September 1928;
Toronto	Deceased — 16 January 1968.
Walter S. Burrill, Jr.,	Called — 28 September 1950;
Toronto	Deceased — 5 May 1968.

(2) That the following former member of the Law Society has ceased to be a British subject or a Canadian citizen, and his name has been removed from the rolls and records of the Society:

Gary M. Keyes, New York; Called — 22 June 1960. Became a citizen of the United States — 6 September 1967.

Noted

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual returns for 1967. The amount set opposite their names is the amount of the grant to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

REINSTATEMENT

G. Russell R. Frame — was suspended from practice for non-payment of fees for one year from the 19th April 1968 and from year to year thereafter or until his arrears of fees are paid. He has now paid all arrears of fees, and requests that his suspension be terminated forthwith.

Your Committee recommends that G. Russell R. Frame be reinstated as a Barrister and Solicitor, and that his Annual Certificate be issued.

CANADIAN BAR ASSOCIATION — *Mid-Winter Meeting*

A letter from Mr. V. P. Reid, Treasurer, C.B.A., Ontario Branch, setting out an extract from the Royal York account for the luncheon on Saturday, February 3, 1968, is before the Committee.

Your Committee recommends that the Society's portion of the account be paid.

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Contribution — At the Mid-Winter Meeting of the Executive of the Conference of Governing Bodies on March 6, 1968 it was resolved that the Conference request for the year 1968 a contribution of $400.00 from the Law Society of Upper Canada, in accordance with the new schedule of grants adopted. This is an increase from $200.00 previously contributed. *Approved*

LAW SOCIETY PENSION PLAN FUND

When Osgoode Hall Law School moves to York University the pension scheme affecting the members of the faculty and staff terminates. Those members of the faculty and staff who have been on staff for the requisite number of years will, under the pension provisions, be entitled to receive 100% of the Society's contribution.

With respect to the rest of the faculty and staff, the Society is being asked to waive the vesting requirements stipulated in the plan since the termination of the contract brought about by the transfer to York University prevents the faculty and staff from fulfilling the vesting provision by remaining an employee of the Society for a full ten years.

The Society is also asked to compensate those members of the faculty and staff who choose to transfer their pension funds to the York plan, for the amount of the deduction Standard Life makes in each case because of the withdrawal from the plan.

The approximate amounts involved are: With respect to the sums not vested — $13,093.00; and with respect to the withdrawal charges — $4,770.00. *Approved*

THE REPORT WAS ADOPTED.

APPLICATION FOR REINSTATEMENT — *G. Russell R. Frame*

Moved by Mr. R. F. Wilson, seconded by Mr. Levinter, that pursuant to The Law Society Act, R.S.O. 1960, cap. 207, the following Barrister and Solicitor be reinstated as of this date, and that his period of suspension from the 19th April 1968 be terminated forthwith:

G. Russell R. Frame, Toronto. *Carried*

DISCIPLINE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 9th of May 1968 at 10:30 o'clock in the forenoon, the following members being present: Mr. W. Gibson Gray, Chairman, and Messrs. Bowlby, Cass, Creighton, Evans, H. E. Harris, Henderson, Howland, Levinter, Pepper, Robins, Slemin and Strauss.

DUTY OF SOLICITORS TO CLIENTS IN CRIMINAL MATTERS

Recent developments have attracted your Committee's attention to the question of what is a solicitor's duty to his client in a criminal matter when the solicitor has agreed to act, with particular reference to the solicitor's right to withdraw from so acting. Your Committee recommends the appointment of a sub-committee composed of Messrs. Bowlby, Maloney and Martin to give consideration to the above question.

THE REPORT WAS RECEIVED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 9th day of May 1968, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, and Messrs. Gray, Howland, Maloney, Slemin and Strauss.

1. RULING 10 — SIGNS AND LETTERHEADS

Your Committee, in its Report to the April meeting of Convocation, made reference to a recommendation of one of its Sub-Committees that Ruling 10 be amended to permit the addition to names on letterheads of degrees and honours regularly recognized or identified by initials. Your Committee has reviewed this recommendation and has considered the wording of the present Ruling 10.

Your Committee recommends that no change be made in the Ruling at this time.

2. MISCELLANEOUS

At the April meeting of Convocation, the Treasurer asked your Committee to consider the practice of a solicitor practising alone and operating more than one branch office where it was obvious the solicitor was not able to give proper supervision to a large staff.

Your Committee has considered this question in the light of the facts disclosed in the recent Discipline Committee Report on William John Greening. Your Committee recommends that the Discipline Committee's views on such a situation as set out in the Report should be brought to the attention of the profession and your Committee is prepared to see that a suitable article is published in an early issue of the "Gazette".

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Ford

Your Committee met on Thursday, the 9th day of May 1968, the following members being present: Mr. Ford, Vice-Chairman in the Chair, and Messrs. Cassels, Creighton, Harris and Strauss.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to April 30th, 1968 are as follows:

Great Library

	Books	*Sundries*	*Salaries*
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	16,146.36	2,083.76	65,019.78

Phillips Stewart Library

	Books	*Salaries*	*Temp. Help*
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,325.32	24,938.81	4,547.38

Approved

COUNTY LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1968 is as follows:

		1968			*1967*
Halton		1,763.54			1,283.67
Lambton		1,350.00			1,325.00
Lanark		600.00			600.00
Parry Sound	600.00			600.00	
Less 1968 repayment on loan	200.00	400.00	1967 (loan)	200.00	400.00
Peel	1,850.00			1,572.00	
Less 1968 repayment on loan	700.00	1,150.00	1967 (loan)	700.00	872.00
Stormont, Dundas & Glengarry		766.67			866.67
Thunder Bay		1,364.60			1,250.00

All but six of the County and District law associations have submitted annual returns. *Approved*

ORAL JUDGMENTS

Your committee recommends that the whole matter of payment for Oral Judgments be reconsidered at a later date.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Friday, the 10th day of May, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Gray, Levinter, Martin and Sale.

NON-DISCLOSURE OF INFORMATION

Section 121 of the Legal Aid Regulation provides:

> "121. Subject to the provisions of this Regulation, no information furnished to the Law Society or a committee thereof, the Director, an area director, area committee, welfare officer or other person in connection with any matter or proceeding to which the Act or this Regulation applies shall be disclosed other than for the purpose of facilitating the proper performance by any person or committee of functions under the Act or this Regulation."

The Committee instructed the Director to retain Mr. Austin M. Cooper, Q.C., to give an opinion on the following points:

1) does a solicitor and client relationship exist between employees of the Legal Aid Plan and applicants seeking legal aid?
2) what effect does Section 121 of the Regulation have on privilege as it relates to disclosures made by legal aid applicants?
3) what is the effect of Section 121 if a subpoena is served on an Area Director or other employee of the Plan?

The Director was also instructed to inform Mr. Cooper that he has authority to retain a research assistant to facilitate him in preparing an opinion.

Your Committee further instructed the Director to forward a letter to the Area Directors reminding them of the provisions of Section 121 of the Regulation and emphasizing that an Area Director should never divulge information relating to a legal aid application.

AMENDMENTS TO THE LEGAL AID REGULATION

At the meeting of Convocation on May 2nd, 1968, a proposed new Section 127 of the Legal Aid Regulation was referred back to the Committee for further study.

After some discussion it was recommended that Subsection (b) as revised be added to the new Section 127.

PUBLICATION OF ARTICLES, ETC. BY EMPLOYEES OF THE LEGAL AID PLAN

An employee of the Legal Aid Plan submitted an article on the Legal Aid Plan for the approval of the Director.

The author intended to submit the article to a law publisher for printing with the anticipation that he would benefit financially from its sale.

After careful consideration your Committee was of the opinion that it should not approve such a publication for financial gain by an employee of the Legal Aid Plan.

RECOVERY OF CONTRIBUTIONS

Section 18(1) of the Legal Aid Act sets out that the sum which a person is able to contribute towards the cost of legal aid is a debt owing to the Law Society and may be recovered in any court of competent jurisdiction.

The Credit Manager referred correspondence to the Director with respect to a legal aid client who advised the Law Society that she has no intention of fulfilling her commitment to pay her assessed contribution to the Legal Aid Fund.

The Committee requested the Director to instruct the Credit Manager to take action in the name of the Law Society to collect from the debtor the costs of the legal aid granted since the debtor is able to pay and refuses to do so.

The Director was also instructed to obtain from the Credit Manager for the consideration of the Committee, a list of all debtors who he recommends should have action taken against them for recovery of contributions to the Fund.

THE DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the following areas:

Waterloo County

R. A. Haney, Q.C., Waterloo
P. A. Dufresne, Solicitor, Galt
J. G. Martin, Q.C., Kitchener
W. H. Kidd, Q.C., Galt

Elgin County

Gary Vedova, Solicitor, St. Thomas

Essex County

Morris Kamin, Q.C., Windsor
John Holland, Q.C., Windsor
Robert Barnes, Q.C., Windsor
Harold H. Bick, Solicitor, Windsor
G. Brian Clements, Solicitor, Windsor
Paul Burnett, Q.C., Windsor
Thomas G. Zuber, Q.C., Windsor
Cecil R. Croll, Q.C., Windsor
Frank Montello, Q.C., Windsor

Prescott and Russell

Yvon Montpetit, Solicitor, Hawkesbury

Your Committee has been advised of resignations from the following area Committees:

Rainy River District

G. M. Burr, Solicitor, Fort Francis

Elgin County

Maurice Genest, Solicitor, St. Thomas
(appointed Family Court Judge, London, Ontario)

York County

G. T. Rogers, Q.C., Toronto
Robert Bradley, Solicitor, Toronto

Waterloo County

V. B. Copp, Solicitor, Galt
J. M. Harper, Q.C., Waterloo
G. A. Mackay, Q.C., Kitchener
F. L. Dreger, Q.C., Kitchener

THE ABOVE REPORT WAS ADOPTED.

CONTINUING EDUCATION COMMITTEE

Mr. Robins reported to Convocation that he had made arrangements to present a programme of lectures on the new divorce rules, to be presented in London, Ottawa and Toronto, and asked Convocation's approval for these arrangements.

Moved by Mr. Robins, seconded by Mr. Bowlby, that the arrangements be approved. *Carried*

CORRESPONDENCE

The Treasurer referred to the following correspondence:

Letter dated April 29th, 1968 from Mr. Gordon D. Watson, Q.C., the Society's representative on the Rules Committee, reporting on its progress with respect to the recommendations of the Benchers regarding revision of the Surrogate Court tariffs.

Petition for Reinstatement — Louis Davidson — Ordered that this Petition be referred to the Discipline Committee for consideration and report to Convocation.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 21st day of June 1968.

"W. G. C. HOWLAND"
Treasurer

SPECIAL MEETING OF CONVOCATION

Friday, 7th June 1968
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Bull, Creighton, Evans, Gray, Henderson, MacKinnon, O'Driscoll, Pepper, Sheard, Steele, Strauss and Thom.

APPOINTMENT OF STANDING COMMITTEES

At the request of the Treasurer, Mr. Henderson presented the Report of the meeting of the Treasurer, Chairmen and Vice-Chairmen of Standing Committees:

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted, was held on Friday, the 31st May 1968, the Treasurer and Messrs. Ford, Gray, Henderson, MacKinnon, Robins and Strauss being present, and they recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE

Messrs. Beament, Fennell, Goodman, Gray, Harris, W.E., Henderson, Levinter, McLaughlin, Pattillo, Pepper, Raney, Robins, Sheard, Steele, Thom, Weir, Wilson, R.F.

2. LEGAL EDUCATION

Messrs. Bull, Callon, Cass, Dubin, Goodman, Gray, Henderson, Jamieson, Maloney, Martin, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Weir, Williston, Wilson, R. F.

3. ADMISSIONS

Messrs. Callon, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Wilson, R. F., Williston.

4. DISCIPLINE

Messrs. Beament, Bowlby, Bull, Cass, Chappell, Common, Creighton, Dubin, Evans, Ford, Goodman, Gray, Harris, H. E., Harris, W. E., Henderson, Levinter, Maloney, Martin, MacKinnon, McCulloch, McLaughlin, O'Driscoll, Pattillo, Pepper, Robins, Seymour, Slemin, Steele, Strauss, Thom, Williston, Wilson, P.D.

5. PROFESSIONAL CONDUCT

Messrs. Bull, Callon, Dubin, Evans, Fennell, Ford, Goodman, Gray, Maloney, MacKinnon, O'Driscoll, Pepper, Slemin, Strauss.

6. LIBRARIES AND REPORTING

Messrs. Beament, Cassels, Chitty, Clement, Creighton, Ford, Harris, H. E., Maloney, Martin, Steele, Strauss, Weir.

7. UNAUTHORIZED PRACTICE

Messrs. Bowlby, Callon, Cass, Chappell, Dubin, Fennell, Henderson, Steele, Strauss, Williston.

8. PUBLIC RELATIONS

Messrs. Bowlby, Chappell, Evans, Henderson, Harris, H. E., Harris, W. E., Jamieson, O'Driscoll, Pattillo, Pepper, Roberts.

9. LEGAL AID

Messrs. Beament, Bowlby, Callon, Cass, Common, Dubin, Ford, Levinter, Martin.

10. LEGISLATION AND RULES

Messrs. Evans, Goodman, Harris, W. E., Henderson, O'Brien, Pattillo, Roberts, Robins, Sheard, Williston, Wilson, R. F.

At the request of the Treasurer the meeting also considered the composition of the various Special Committees, and recommends as follows:

Divine Service

That Mr. B. J. MacKinnon replace Mr. W. G. C. Howland.

Special Committee on Building

That a new Special Committee be appointed to be composed of Mr. W. G. C. Howland, Chairman, and Messrs. Robins, Sheard and R. F. Wilson, to consider and make recommendations with respect to the maintenance and alteration of the Society's premises, and particularly with respect to the changes needed to provide suitable accommodation for the work of the Benchers, the Society's administrative staff, and the Bar Admission Course after Osgoode Hall Law School has moved to York University.

Special Committee on Specialization in the Practice of Law —

That Mr. Howland be removed as Chairman and replaced by Mr. Williston; and that Mr. Robins be added to the Committee.

Legal Aid Programme Committee

That Mr. W. Gibson Gray be removed, and that Mr. Cass be added to the Committee.

Special Committee on Organization of Convocation and Committees

That Mr. Howland be removed from the Committee.

All of which is respectfully submitted.

Dated — May 31, 1968.

"GORDON F. HENDERSON"
Chairman

Moved by Mr. Henderson, seconded by Mr. Sheard, that the Report be adopted.

Moved in amendment that Mr. Levinter be added to the Building Committee.

The amendment was carried.

THE REPORT AS AMENDED WAS ADOPTED

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairmen and Vice-Chairmen were adopted:

Finance Committee	Chairman — Terence Sheard
	Vice-Chairman — G. E. Beament
Legal Education	Chairman — S. L. Robins
	Vice-Chairman — B. J. MacKinnon
Admissions	Chairman — A. S. Pattillo
	Vice-Chairman — S. D. Thom
Discipline	Chairman — W. G. Gray
	Vice-Chairman — F. J. L. Evans
Professional Conduct	Chairman — S. E. Fennell
	Vice-Chairman — P. B. C. Pepper
Libraries and Reporting	Chairman — R. D. Steele
	Vice-Chairman — G. W. Ford
Unauthorized Practice	Chairman — Nathan Strauss
	Vice-Chairman — J. D. Bowlby
Public Relations	Chairman — G. F. Henderson
	Vice-Chairman — J. G. J. O'Driscoll
Legal Aid	Chairman — T. P. Callon
	Vice-Chairman — G. A. Martin
Legislation and Rules	Chairman — R. F. Wilson
	Vice-Chairman — E. A. Goodman

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 21st day of June 1968.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Thursday, 20th June 1968
11:30 a.m.

PRESENT:

The Treasurer and Messrs. Beament, Callon, Clement, Gray, Henderson, Levinter, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Sheard, Strauss, Thom, Weir and R. F. Wilson.

LEGAL EDUCATION COMMITTEE—Mr. Robins.

Your Committee met on Thursday, the 20th day of June, 1968 at 11:00 a.m., the following members being present: Mr. S. L. Robins, Vice-Chairman, in the Chair and Messrs. Henderson and Weir.

OSGOODE HALL LAW SCHOOL

EXAMINATION RESULTS—SPRING 1968

FIRST YEAR LL.B. COURSE

There were 226 students who were entitled to write the Spring Term examinations.

Honours

The following students having passed all examinations and obtained at least 75% of the aggregate marks obtainable are entitled to pass with Honours:

R. N. Waterman
J. Shafer
J. A. Hodgson
T. J. Weisz
E. Burstein

Prizes or Scholarships

According to the returns of the examiners, the following are entitled to scholarships or prizes:

Law Society Scholarship for Standing first with Honours

R. N. Waterman—$200

Law Society Scholarship for Standing Second with Honours

J. Shafer—$150

Law Society Scholarship for Standing Third with Honours

J. A. Hodgson—$100

The Richard Halliburton Greer Prize for highest mark in Criminal Law and the Harry R. Rose Criminal Law Prize

R. Lieberman—$125

The Lawyers Club War Memorial Prizes for General Proficiency in Civil Procedure

First and Second Prize shared—	J. A. Hodgson	$50
	J. Shafer	$50
	R. N. Waterman	$50

The Prizes in Judicial Process

First and Second Prizes shared—	A. Isenberg	$62.50
	R. S. Wright	62.50

The Prize in Torts

J. Shafer—$50

The Samuel Factor Memorial Prize for Highest Mark in Contracts

J. Shafer—$200

Summary and Comparative Analysis

	Spring 1967	*Spring 1968*
Honours	2	5
Pass Class I	27	46
Pass Class II	89	125
Supplementals	51	13
Failures	30	37
	199	226
Aegrotat	1	–
	200	226

Received

SECOND YEAR LL.B. COURSE

There were 161 students who were entitled to write the Spring Term examinations.

Honours

The following students having passed all examinations and obtained at least 75% of the aggregate marks obtainable are entitled to pass with Honours.

G. I. Kirke
S. R. Fodden

Prizes or Scholarships

Law Society Scholarship for Standing First with Honours and the Prize for Standing First

G. I. Kirke—$700

Law Society Scholarship for Standing Second with Honours

S. R. Fodden—$150

The Ivan Cleveland Rand Scholarship for Highest Mark in Constitutional Law

T. G. Bastedo—$100

The William Bruce Henderson Prize for Highest Mark in Real Estate Transactions

B. B. Papazian—$50

The Kenneth Gibson Morden Memorial Prize for the Highest Mark in Evidence

G. I. Kirke—$50

The Reading Law Club Prize for Highest Mark in Commercial Law

G. I. Kirke	—	$25	
B. B. Papazian	—	25	(aeq.)

The Prize in Company Law

J. C. Armstrong	—	$50	
M. J. Dube	—	50	(aeq.)

The Prize in Family Law

D. S. Ewens — Book Prize

Summary and Comparative Analysis

	Spring 1967	*Spring 1968*
Honours	0	2
Pass Class I	27	26
Pass Class II	104	109
Aegrotat	3	2

Supplementals	31	22
Failures	6	–
	171	161

Received

THIRD YEAR EXAMINATION RESULTS

Mr. Cassin Ahmed Mulla, III Year, presented a petition. The Faculty has now granted him aegrotat standing in Estate Planning and Mr. Mulla will be entitled to graduate on June 20th, 1968. *Approved*

THE REPORT WAS ADOPTED.

DOCTOR OF LAWS HONORIS CAUSA

The Treasurer announced that at the Academic Convocation being held on this date, the degree of Doctor of Laws honoris causa would be conferred on Professor William Lloyd Prosser, Hastings College of the Law, University of California.

SPECIAL CALL TO THE BAR—*James Alexander Corry*
—June 21, 1968

Moved by Mr. Robins, seconded by Mr. Gray, that notwithstanding anything contained in any rule of the Society relating to Call to the Bar, James Alexander Corry, LL.B., B.C.L., LL.M., LL.D., Principal, Queen's University, be called to the Bar of Ontario at the meeting of Convocation to be held on June 21, 1968 and that payment of fees now or hereafter be hereby dispensed with. *Carried*

CONVOCATION THEN ADJOURNED.

The Treasurer and Benchers entertained at luncheon the Honourable G. A. Gale, Chief Justice of Ontario, the Honourable D. C. Wells, Chief Justice of the High Court, the Honourable W. G. Davis, Q.C., Minister of University Affairs, Air Marshal W. A. Curtis, Chancellor of York University, Dr.

James M. Gillies, Vice-President, York University, W. P. Scott, Esq., Chairman, Board of Governors, York University, the Honourable Mr. Justice Laskin, Board of Governors, York University, Professor William L. Prosser and Dean G. E. LeDain.

CONVOCATION RESUMED at 2:30 p.m. at the O'Keefe Centre, a quorum being present.

The Treasurer and Benchers and their guests, the Dean and members of the Faculty of the Osgoode Hall Law School, in academic robes or hoods, then proceeded in academic procession to the stage of the auditorium.

Mr. S. L. Robins, Q.C., Chairman of the Legal Education Committee, read the prayer.

CONFERRING OF HONORARY DEGREE

The Chairman of the Legal Education Committee read the following citation:

> "I present to you, Sir, William Lloyd Prosser, eminent scholar and teacher, who exemplifies the tradition of excellence in American legal education. During an outstanding career of forty years he has graced the faculties of four law schools: Minnesota, Harvard, University of California, Berkeley, where he was dean for several years and now the Hastings College of Law, an academic grove to which the greats are summoned in the full glow of post-retirement distinction. As a scholar his name is known and respected throughout the common law world and forever associated with the law of torts in which he is the author of a masterly textbook and the draftsman of a profoundly influential restatement. As a teacher he has made this scholarship vivid and delightful to generations of students, exhibiting in its highest development the brilliant classroom technique for which American legal education is justly renowned. He wears all this distinction casually and lightheartedly, delighting in a variety of pastimes, including the composition of humorous verse, which not only divert him but give endless pleasure to his admiring colleagues. We salute him for the industry, skill and humanity which he has brought to the expression of his great gifts and present him to you, Mr. Treasurer, that you may confer upon him our highest academic award."

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon William Lloyd Prosser.

CONFERRING OF DEGREES IN COURSE

The Chairman of the Legal Education Committee requested the Treasurer to confer upon the following candidates who have completed the course of study at the Osgoode Hall Law School and passed the prescribed examinations, the degree of Bachelor of Laws:

WITH HONOURS

Roderic Graham Ferguson
Kenneth Lloyd Winton Boland

Carol Anne Allison
Ronald Appleby
Robert Ernest Coulson Apps
Brian George Armstrong
John Alexander Baird
Thomas Charles Hayhurst Baldwin
David Munroe Beatty
Peter Brian Bedard
Paul Raoul Belanger
Franklyn Harris Bennett
Warren William Biback
Robert Allan Bondy
Marvin Bongard
Reginald Edwin Bradburn
Joseph Stephen Brinkos
Sydney Brooks
John Sydney Buchan
Brian Delby Bucknall
Ronald Glenn Bumstead
John Ross Burns
Graeme Lewis Cameron
James Herbert Cannon
Wayne Francis Carney
John Andrew Carter
Robert James Carter
Barrie David Chercover
Roy Harris Clark
Douglas John Cogen
Alan Herbert Coles
David H. Conrad
Ronald Arthur Peter Crane
Robert Charles Cronish
John Winston Damery
Joanne Catherine DeFalco
Brian Patrick Donnelly
Harry William Osmond Doyle
Gordon Robert Eady
Elliott Murray Edelstein
Judith Ellen Elo
Henry Alan Luther Emerson
Stephen Howard Farber
Kenneth Edward Field
Roy Christopher Filion
George Flaccavento
Oscar Anthony Joseph Fonesca
William Henry Fox
Edward John Gardiner
Bernard Barry Gasee
Donald Albert Godden
Richard Morton Goldman
Thomas David Graham
Edward Leonard Greenspan
James Douglas Grenkie
Roderick James Guthrie

Eric Siegfried Hafemann
Arnold Saul Handelman
Thomas Corkett Hendy
Ronald Hoffman
Allan Stuart Hollingsworth
Michael Gavin Horan
Clayton Arthur Hudson
Paul Jacobs
Ronald Thomas James
Oleh Jaroszenko
Henry Forrester Jayakody
Gregory Paul Johnstone
Larry Kagan
Howard Edward Katz
Daniel Howard Kayfetz
Aivar Kviesis
Jacob David Lakin
Edwin Salter Langdon
Francis Anthony Joseph Lanza
William Lehun
George Joseph Leon
Etheridge Bruce Leonard
Harold Joseph Levy
Valdis Libis
Roy William Linden
Phillip Litowitz
William John Roderick Livingstone
John David Lloyd
Louis Alfred Low
James George Lunnie
Joseph Allan MacDonald
Crawford Malcolm MacIntyre
Claude Nestor Robert MacMillan
Peter Ziegfried Magda
Patricia Anne Makuch
Stephen Michael Malach
Tadeusz Malak
Frank Neno Mantello
William Edward Mathers
Charles Edward McCarthy
Michael Thomas Joseph McGoey
Brian Edward McIntyre
Barry Harcourt McKague
John Robert Meagher
James Marvin Menzies
Robert Durward Midgley
Bernard Joseph Monaghan
Howard Francis Anthony Morton
David Moscovitz
Ronald Finlay Mossman
Ahmed Cassim Mulla
William Murakami
Clifford Sigmund Nelson
George David Olah
Peter Telford Parkinson
Robert Joel Paul
Kenneth Edwin Pedlar
Mary Louise Porter
Harvey Poss
John Richard Powell
Robert Duncan Reilly
Edward Herbert Richardson
Nicholas Basil William Roche
Frank Leslie Roth
Alexander Schneider
David George Searle
Lawrence Norton Shapiro
Sherwin Howard Shapiro
Richard Gordon Shaw
Peter Barry Shone
Allan Shulman
Gary Elliot Siskind
Stephen Beverley Smart
John Alexander Smith
David Samuel Solomon
Joseph Dominic Michael Sorbara
Samuel Harry Starkman
James Stefoff
Leslie Allan Stein
Robert George Stephens
Urmas Suits
William Edward Sylvester
Howard Aaron Tanenbaum
Helen Lorraine Terry

Paul Vernon Tomlinson
Donald Russel Velanoff
Joseph Vroom
Gary Crawford Copeland Walker
Peter Revett Walsh
Joel Steven Weintraub
Donald Duncan White
Norman Franklyn Williams
Carl Douglas Wilson
James Charles Edward Wood
Thomas Charles Wright
Lawrence David Zaldin

In absentia

George H. Cancilla
Arthur Ronald Cork
Alexander Gray Henderson
Benjamin Eldredge Higgs
James Alexander Sissons
Raymond Lawrence Steele

The Treasurer presented the following medals, scholarships and prizes won by the members of the graduating class:

Silver Medal—R. G. Ferguson
Bronze Medal—K. L. W. Boland

The Chancellor Van Koughnet Scholarship—R. G. Ferguson
The Christopher Robinson Memorial Scholarship—K. L. W. Boland
The Matthew Wilson Memorial Scholarship—A. G. Henderson
The Clara Brett Martin Memorial Scholarship—P. Z. Magda
The Prize in Conflict of Laws—R. C. Filion
The Prize in Creditors' Rights—R. H. Clark
The Prize in Admiralty Law—S. M. Starkman
The Prize in Labour Relations Law—R. G. Ferguson
The Insurance Company of North America Prizes in Insurance Law—H. C. Mills Memorial Award—P. Z. Magda
The Prize in Income Tax—E. S. Langdon
The Northern Ontario Prize—R. L. Steele
The Butterworth Prize—B. D. Bucknall
The Prize in Public International Law—R. D. Midgley
The Reading Law Club Prize in Jurisprudence—J. C. E. Wood
The Thomas Cowper Robinette Memorial Prize—B. P. Donnelly

Affiliation of Osgoode Hall Law School with York University and Presentation of Phillips Stewart Library to York University

The Treasurer then presented to York University, through its Chancellor, Air Marshal W. A. Curtis, a specially bound volume of The Honourable Society of Osgoode Hall representing the Phillips Stewart Library which the Society was presenting to York University in token of the affiliation.

Air Marshal Curtis accepted the volume and thanked the Treasurer and Benchers on behalf of York University.

The Treasurer spoke of the proposed affiliation of the Osgoode Hall Law School with York University on the 1st July, 1968 and expressed the confidence of The Law Society that this affiliation marked an important step forward in legal education. He stated that to mark this occasion The Law Society would be placing a bronze plaque in the new Law School Building at York University which would bear the following inscription:

> "Osgoode Hall Law School was founded by the Law Society of Upper Canada over ninety years ago and was the first Law School in Upper Canada, now the Province of Ontario. This plaque marks the presentation by the Law Society of Upper Canada of the Phillips Stewart Library in token of the affiliation of Osgoode Hall Law School with York University on the first of July nineteen hundred and sixty-eight."

The Treasurer congratulated the graduating class of the Osgoode Hall Law School on behalf of The Law Society of Upper Canada and introduced to them and their families and friends Dr. William Lloyd Prosser of Hastings College of the Law, California, who addressed Convocation.

CONVOCATION THEN ROSE.

Following the meeting of Convocation the Treasurer and Benchers entertained the graduates, their families and friends at a reception in the main lounge, on the lower ground floor of the O'Keefe Centre.

"W. G. C. Howland"
Treasurer

MEETING OF CONVOCATION

21st June 1968

PRESENT:

The Treasurer, and Messrs. Arnup, Beament, Bull, Callon, Cass, Creighton, Dubin, Evans, Fennell, Ford, Gray,

H. E. Harris, W. E. Harris, Henderson, Levinter, MacKinnon, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Seymour, Steele, Strauss, Sheard, Thom, Williston and R. F. Wilson.

The Minutes of the meetings of Convocation of May 17th and June 7th, 1968 were read and confirmed.

ADMISSIONS COMMITTEE—Mr. Thom.

Your Committee met on Thursday, the 13th of June, 1968, at 2:30 p.m., the following members being present: Mr. S. D. Thom, Vice-Chairman, in the Chair, and Messrs. Callon, MacKinnon and Robins.

Special Call to the Bar

James Alexander Corry, LL.B., B.C.L., LL.M., LL.D.
—Principal, Queen's University, Kingston.

Approved

Call to the Bar and Certificate of Fitness

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Gerald Eric Le Dain—Special—Dean, Faculty of Law, Osgoode Hall Law School—Barrister and Solicitor of Province of Quebec. *Approved*

Bar Admission Course

The following candidates have successful completed the Ninth Bar Admission Course, have filed the necessary documents and paid the required fee of $210.00, and now apply for call to the Bar and to be granted Certificates of Fitness:

Paul Carlyle McIntyre—Alberta
Joseph Neil Mulvaney—New Brunswick

Approved

DIRECT TRANSFERS

Allan Stephen Blott (B.A. University of Saskatchewan, November, 1963; LL.B. University of Saskatchewan May 1964) was called to the Bar in Saskatchewan in June 1965 and has practised there continuously to the present. He seeks to proceed under Regulation 2. *Approved*

Kathleen Mavis Fitzpatrick (B.A. University of Alberta 1953; LL.B. University of Alberta 1954). Miss Fitzpatrick was called to the Bar of Alberta and admitted as a solicitor in June 1955 and is a member in good standing of the Law Society of Alberta. She was in practice in Edmonton from June 1955 to February 1960, when she moved to Toronto. She came to the Society at that time to discuss the matter of her admission but did not write or make formal application. Nonetheless the applicant takes the position that her attendance constituted an application within three months of her quitting practice in Alberta. In March 1960 Miss Fitzpatrick joined the National Trust Company Limited and has been with that Company to the present. She seeks to proceed under Regulation 2.

Your Committee recommends she be advised she cannot at present comply with the Society's Regulation.

Shatru Ghan (B.A. and LL.B. from the University of Delhi; LL.M. from the University of London, England) was admitted to the Alberta Bar in July 1963 and practised in Alberta to September 1964. He then joined the Department of the Attorney General in Alberta in October 1964 and stayed there until May 1965. Mr. Ghan joined the Department of Revenue in Ottawa in June 1965 where he stayed until June 1966. From October 1966 to February 1967 he worked with the Combines Investigations Department in Ottawa. He seeks to proceed under Regulation 2 but states he would be willing to enter the Bar Admission Course if necessary.

Your Committee recommends he be advised he does not qualify under the Society's Regulation.

Jerrold Lawrence Gunn was called to the Bar of the Province of Manitoba in June 1963 and has practised in the Province of Manitoba to the present. He seeks to proceed under Regulation 2. *Approved*

Gerald Potasky (LL.B. Manitoba Law School 1965) was called to the Bar in Manitoba in December 1965. He is employed by the Industrial Development Bank in Toronto.

At its April 1968 meeting the Committee recommended Mr. Potasky be advised he is not qualified to proceed under Regulations 2 and 4. A letter from Mr. Potasky in reply states as follows: ". . . I direct your attention to the Industrial Development Bank Act wherein the Industrial Development Bank is described as an agent of Her Majesty the Queen in the right of Canada. I put this forth to refute the Admissions Committee statement to the effect that Industrial Development Bank is not a Government Department." Mr. Potasky's letter is before the Committee.

Your Committee recommends he be advised that the Committee's decision is not changed.

UNITED KINGDOM SOLICITORS

Roger John Thornton Steer expects to receive his Practising Certificate as an English solicitor the 1st of September 1968. He seeks to proceed under Regulation 8 and asks to be allowed to enter the Bar Admission Course subject to his producing a current practising certificate as a United Kingdom Solicitor before December 1968. *Approved*

Maxwell Meikle Johnston of the Law Society of Scotland, presents a current practising certificate and seeks to proceed under Regulation 8. *Approved*

Peter Chak-cheong Wong has produced a current practising certificate as an English solicitor and asks to be allowed to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFERS

Glenworth Osmond Norris Emanuel. At its meeting in April 1967 the Committee recommended that Mr. Emanuel be informed he could not comply with the Society's Regulations because he had not practised the requisite period. Mr. Emanuel applied again at the May 1968 meeting of the Committee stating that from the 10th April 1967 to the time of writing he had been employed as a Deputy Clerk to the Justices at one of London's Principal Police Courts, and stated the position was regarded as being in practice in the Magistrates Court.

At its meeting in May, 1968 the Committee recommended this stand for further information whether what he was doing was equivalent to practice. The Secretary wrote to Mr. W. W. Boulton, Secretary, General Council of the Bar of England and Wales. Mr. Boulton replied that "The position of Deputy to a Justice's Clerk is not equivalent to the carrying on of a practice as a barrister. . . ."

Your Committee recommends he be informed he cannot comply with the Society's Regulations in that his employment is not equivalent to practice as a barrister.

Baloo N. Patel (B.A. Honours in English from Bombay University; B.Sc. (Economics) London University). He was called to the Bar in England in 1951. Mr. Patel was in active practice in India from 1951 to 1957 and in Tanzania from 1958 to the present. He has been elected and served as a member for three years on the Council of the Tanganyika Law Society and has acted for two years as a member of the statutory Advocates Committee dealing with admission of Advocates to the Bar in Tanzania. He seeks to proceed under Regulation 10(b). *Approved*

Vidya Ratna Sharma (B.A. University of the Panjab (Government College, Lahore) 1928). He was called to the Bar in England in 1939. He was admitted as an advocate in the High Court of Tanganyika in 1940 and practised there until 1942 at which time he joined the British Colonial Legal Service in Tanganyika as Assistant Registrar General, Administrator-General, Public Trustee and Deputy Official Receiver, where he stayed until 1954. Mr. Sharma was admitted as a Barrister and Solicitor in the Supreme Court of Fiji in 1955 and has been practising in the British Colony of Fiji to the present. He seeks to proceed under Regulation 10(b), and asks exemption from the prescribed examination for entrance to the Bar Admission Course.

Approved Including Passing
the Prescribed Examinations

ADMISSION TO THE BAR ADMISSION COURSE

D. L. Whitman asks the Committee to allow him to enter the Bar Admission Course with a view to being called to the Bar of Ontario upon his successfully completing it.

The applicant received a B.Sc. degree from the University of Saskatchewan in 1936 and the LL.B. in 1939. He was called to the Bar in Saskatchewan in 1940. From 1941 until 1945 he served in the Navy. From 1945 to 1946 he was in private practice in Saskatchewan. From 1947 to the present he has been employed by Polymer Corporation Limited in Sarnia, Ontario.

Your Committee recommends he be advised he cannot qualify under the Society's Regulations.

SPECIAL PETITIONS

Dara Baria was forced to withdraw from the Bar Admission Course after articling for a period of three months, as the result of a street car accident, and asks to be re-admitted to the Society as a student in the Bar Admission Course to begin serving under articles afresh in September 1968.

Approved

James Robert Joseph McNamee seeks permission to try the examinations set for those wishing to transfer under Regulation 2 for a third time, or, alternatively, to be admitted to the Bar Admission Course in September 1968.

Your Committee recommends he be allowed to enter the teaching period of the Bar Admission Course in September 1968.

FULL-TIME MEMBER OF THE FACULTY OSGOODE HALL LAW SCHOOL

It is the policy of Convocation to Call to the Bar and admit as solicitors members of the full-time Faculty of Osgoode Hall Law School when they have completed one year of teaching and have been reappointed for a second year, without examination and without fee.

The following member of the full-time Faculty has asked to be called and admitted in accordance with this policy:

Professor Balfour Jonathan Halevy

Approved

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, The University of Western Ontario, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Assistant Professor D. D. Prentice

Approved

ESTIMATES

The Estimates for the year 1968-1969 were considered and approved and submitted to the Finance Committee.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

James Alexander Corry—Special—Principal, Queen's University, Kingston
Gerald Eric Le Dain—Special—Dean, Osgoode Hall Law School
Joseph Neil Mulvaney—Transfer—New Brunswick
Paul Carlyle McIntyre—Transfer— Nova Scotia
William Arthur Joseph Murphy
Brian Rupert Taylor

FINANCE COMMITTEE—Mr. Sheard.

Your Committee met on Thursday, the 13th June 1968, the following members being present: Messrs. Sheard, Chairman, Beament, Vice-Chairman, Fennell, Henderson, Levinter, Pepper, Robins, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st May to the 31st May 1968 accounts, including Library Accounts, properly approved, to the amount of $59,406.37 have been paid.

Approved

FINANCIAL STATEMENT

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1967 to the 31st May, 1968. *Approved*

Estimates — 1968-1969

Your Committee had before it the estimates for each of the Society's Standing Committees.

Rolls and Records

The Secretary reports:

(1) *Appointment to the Bench*:

That the following former member of the Law Society has been honoured in his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

Lawrence Pennell, Q.C., Brantford	Called—15 November 1945; Appointed Judge, S.C.O., April 22, 1968.

(2) *Deaths*:

That the following former members of the Law Society have died:

Henry Howitt, Q.C., Guelph (Honorary Life Member)	Called—22 May 1908; Died—30 October 1966.
James L. Downey, Q.C., London	Called—18 November 1926; Died—1 March 1968.
James D. Becking, Q.C., Sault Ste. Marie (Honorary Life Member)	Called—22 November 1917; Died—22 April 1968.
J. R. Reycraft, Toronto	Called—15 November 1928; Died—20 April 1968.
Harvey Obee, Richmond Hill (Honorary Life Member)	Called—5 February 1915; Died—5 May 1968.
J. B. Hopkins, Niagara Falls (Honorary Life Member)	Called—21 October 1912; Died—15 May 1968.
A. C. Pennington, Toronto	Called—20 November 1924; Died—21 May 1968.
Daniel D. Stokal, Toronto	Called—19 September 1946; Died—22 May 1968.

(3) *Removal from the Rolls and Records of the Law Society at his own request*

That the following former member of the Law Society has been permitted to have his name removed from the rolls and records of the Law Society at his own request:

Robert Charles Hays, Goderich	Called—8 April 1960; Permitted to resign—Convocation, 19 April 1968.

Noted

REINSTATEMENT

David R. K. Rose was suspended from practice for non-payment of fees for one year from the 19th April 1968, and from year to year thereafter or until his arrears of fees are paid. He has now submitted an Application for Annual Certificate, and paid all arrears of fees, and requests that his suspension be terminated forthwith.

Your Committee recommends that his suspension be terminated.

CHANGE OF NAME

Louis Harry Milrad appears on the rolls of the Society os "Louis Harry Milrod". He asks that his name be changed on the records of the Society to—"Louis Harry Milrad", his correct name, and submits a xerox copy of his birth certificate.

Approved

COUNTY LIBRARIES GRANTS

The Associations listed below have sent in their Annual Returns for 1967. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

Lennox and Addington	$ 600.00
Northumberland and Durham	957.27
Ontario	1,825.00
Peterborough	1,250.00
Renfrew	750.00
Sault Ste. Marie	1,462.50
Sudbury	1,825.00

Approved

BANKING RESOLUTION

At its meeting on the 8th February 1968 the Committee recommended that the recommendations made by R. L. Anderson, C.A., respecting the signing of the Society's cheques be implemented. Accordingly after further consultation with Mr. Anderson, the Chairman of this Committee, and the Treasurer, arrangements have been made for the Society's cheques to be made by the cheque-writing machine which will imprint the facsimile signature of the Comptroller, and require in addition the manual signature of any one of the Treasurer, the Secretary or Assistant Secretary, the Chairman or Vice-Chairman of the Finance Committee, or the Chairman or Vice-Chairman of the Legal Education Committee.

A revised resolution is before the Committee for approval and transmission to the Bank.

Cheques of $2,500.00 and over will continue to require two manual signatures. *Approved*

Your Committee considered the report of the sub-Committee on Insurance and recommends that the employers liability coverage be $500,000.00; and that the total coverage be increased by $930,000, and that the period of the policy be changed to coincide with the Society's fiscal year.

Libraries and Reporting Committee

The *Waterloo County Law Association* has made application to the Libraries and Reporting Committee for a loan in the amount of $4,000.00 to be repaid over a three-year period. This loan is requested for the purpose of rebinding some eleven hundred Reports. The Libraries and Reporting Committees will consider this application at its meeting on this date. *Approved*

THE REPORT WAS ADOPTED.

LEGAL EDUCATION COMMITTEE—Mr. Robins.

Your Committee met on Thursday, the 13th day of June, 1968, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Bull, Callon, Cass, Henderson and Thom.

Bar Admission Course

Faculty

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Creditors' Rights and Bankruptcy

Victor Prousky, Esq., to be appointed an Instructor.
O. B. Shime, Esq., to be appointed an Instructor.

D. I. Bristow, Esq., to be appointed an Instructor.

Gerald Gold, Esq., to be appointed a Stand-by Instructor in place of B. A. Speigal, Esq., resigned.

Estate Planning

W. Y. Lefton, Esq., to be appointed an Instructor in place of J. S. Hausman, Esq., resigned.

Miss R. E. Hodgins, to be appointed a Stand-by Instructor in place of A. R. A. Scace, Esq., promoted to Instructor.

Approved

PETITION

Kenneth James is a student in the Bar Admission Course serving under articles in Toronto. He asks to be excused from the final month service under articles in order to return to England on the grounds of illness in his family.

Your Committee recommends he be advised that a proper certificate from his principal will be accepted showing the compassionate leave of absence for one month.

ESTIMATES

The Estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

OSGOODE HALL LAW SCHOOL

DOCTOR OF LAWS HONORIS CAUSA

The Treasurer recommends that at the Academic Convocation on the 20th of June, 1968, the degree of Doctor of Laws honoris causa be conferred on William Lloyd Prosser, Professor of Hastings College of Law, University of California.

Approved

EXAMINATION RESULTS — SPRING 1968

Third Year LL.B. Course

The Dean submits the following results of the examinations of the students of the Third Year in Osgoode Hall Law School.

There were 169 students who were entitled to write the Spring Term examinations.

Medals

Silver Medal — R. G. Ferguson
Bronze Medal — K. L. W. Boland

Honours

The following students having passed all examinations and obtained at least 75% of the aggregate marks obtainable are entitled to pass with Honours:

R. G. Ferguson
K. L. W. Boland

Scholarships

According to the returns of the examiners, the following are entitled to scholarships:

The Chancellor Van Koughnet Scholarships
R. G. Ferguson — $400

The Christopher Robinson Memorial Scholarship
K. L. W. Boland — $300

The Matthew Wilson Memorial Scholarship
A. G. Henderson — $200

The Clara Brett Martin Memorial Scholarship
for the highest mark in Estate Planning
P. Z. Magda — $25.00

The Prize in Conflict of Laws
R. C. Filion — $50.00

The Prize in Creditors' Rights
R. H. Clark — $100.00

The Prize in Admiralty Law
S. M. Starkman — $100.00

The Prize in Labour Relations Law
R. G. Ferguson — $100.00

The Insurance Company of North America —
H. C. Mills Memorial Award
for the highest mark in Insurance Law
P. Z. Magda — $200.00

The Prize in Income Tax
E. S. Langdon — $50.00

The Northern Ontario Prize
R. L. Steele — $100.00

The Butterworth Prize
B. D. Bucknall — Book Prize

The Prize in Public International Law
R. D. Midgley — Book Prize

The Reading Law Club Prize in Jurisprudence
J. C. E. Wood — $50.00

The Thomas Cowper Robinette Memorial Prize
B. P. Donnelly — $150.00

Summary and Comparative Analysis

	Spring 1967	*Spring 1968*
Honours	2	2
Pass Class I	39	54
Pass Class II	113	103
	154	159
Aegrotat	3	4
Supplementals	9	6
Failures	–	–
	166	169

APPROVAL OF LAW FACULTIES

University of Windsor

At its meeting on 8th February, 1968, the Committee had before it a submission from Dean M. R. MacGuigan of the Faculty of Law of the University of Windsor for the purpose of having its graduates enter the Bar Admission Course. A copy was sent to the Deans of the approved Law Schools who were asked for comments upon the submission. Replies had been received from the Deans of the University of Alberta, The University of British Columbia, Dalhousie University, McGill University, The University of Manitoba, University of Ottawa, Queen's University and University of Saskatchewan. The matter was before the Committee in April and again in May. Replies have since been received from Osgoode

Hall Law School, University of Toronto and The University of Western Ontario.

Your Committee recommends that the Faculty of Law of the University of Windsor be approved for the purpose of having its graduates enter the Bar Admission Course.

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell.

Your Committee met on the 13th day of June 1968 at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Bull, Callon, Evans, Ford, MacKinnon, Maloney, O'Driscoll and Strauss.

ESTIMATES

The Estimates for the year 1968-1969 were considered and approved and submitted to the Finance Committee.

RULING 34—DIVISION OF FEES

Your Committee received an enquiry from a Toronto solicitor requesting its comments as to whether an association of two law firms could be considered as contravening the provisions of Ruling 34. The firms have formed a partnership in general terms but it is admitted that it has been designed solely to cover the conduct of litigation where one firm performs the solicitors' function and the other the barristers'. Your Committee recognizes the importance of the question that has been raised by this enquiry and recommends the appointment of a Sub-Committee composed of Messrs. Pepper, Maloney and Ford to consider the division of fees arising out of litigation between interested solicitors and/or firms.

MISCELLANEOUS

A local solicitor has been in correspondence with the Society's Auditors concerning the propriety of the certification of cheques drawn on the trust account before sufficient funds have been received from the client, this situation being one which arises in real estate transactions. The solicitor states that the certified cheques would not be handed over until the monies required to cover the certified cheque are received by the solicitor, either in cash or by certified cheque. At the solicitor's request this question was referred to your Committee for consideration.

Your Committee has instructed the Secretary to write to the solicitor and advise that such handling of trust funds is, in their opinion, a breach of the Rules Respecting Accounts.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele.

Your Committee met on Thursday, the 13th of June 1968, the following members being present: Mr. Steele (Chairman), and Messrs. Beament, Cassels, Maloney and Strauss.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library and the Phillips Stewart Library up to May 31st, 1968 are as follows:

Great Library

	Books	*Sundries*	*Salaries*
Estimates	21,000.00	3,000.00	82,000.00
Expenditures	18,922.01	2,215.93	71,312.41

Phillips Stewart Library

	Books	*Sundries*	*Temp. Help*
Estimates	15,000.00	29,200.00	5,000.00
Expenditures	14,325.32	27,350.48	5,161.38

Approved

GIFTS AND DONATIONS

The following publications have been donated:

Fortnightly Law Journal. Toronto, Fortnightly Law Journal Ltd., 1934-37, v. 4-17. Of these unbound issues, 11 volumes are complete. From the Estate of the late Arthur A. Macdonald, Q.C., by Mrs. Macdonald.

Saunders, Sir Edmund. The Reports . . . of several pleadings and cases in the Court of King's Bench, in the time of the Reign of His Most Excellent Majesty King Charles the Second. With three tables . . . (London) In the Savoy, Printed by E. and R. Nutt and R. Gosling, (Assigns of E. Sayer, Esq.) for D. Browne, R. Sare, J. Walthoe, B. Lintot, W. Nears, and F. Clay. 1722. 2 v. From the Estate of the late John Alexander McPhail, Q.C., by its Executor the Canada Permanent Trust Company. *Noted*

COMPUTERS AND THE LAW CONFERENCE

With the approval of the Committee the Chief Librarian and Miss Eleanor Moore, Assistant Librarian, attended the Computers and the Law Conference sponsored by the Faculty of Law, Queen's University, June 1-3, 1968.

The Chief Librarian made an oral report to the Committee on current computerized methods of information retrieval in the field of law and in the operation of legal libraries. A written report is being prepared and will shortly be available. In general, the report summarizes the present situation and concludes with the suggestion that a special committee be appointed to assess the needs of the profession in this field, make specific plans concerning the areas of law to be involved, decide on a system to be used and, finally, establish the costs. The report also suggests that the involvement of the Great Library in any computer programme should be considered by representation of the Chief Librarian on any such committee.

Your Committee recommends that a Special Committee be set up in accordance with the conclusions of the Chief Librarian's report.

ESTIMATES

The estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

COUNTY LIBRARIES

ANNUAL GRANTS

The annual grants to the Law Associations as reported by the Finance Committee were approved by your Committee.

WATERLOO COUNTY LAW ASSOCIATION—REQUEST FOR LOAN

Waterloo County Law Association has made application for a loan in the amount of $4,000.00 to enable it to rebind some 1,100 reports. The Association requests permission to repay this loan over a three-year period.

Your Committee recommends the approval of a loan to the Association of up to $4,000.00 without interest repayable over three years for the purposes of rebinding the books in question, providing that the binding is done to the satisfaction of the Chief Librarian.

ESTIMATES

The estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

REPORTING

RESERVED JUDGMENTS

A letter from an Ontario solicitor, pointing out certain deficiencies in the procedure by which out-of-town counsel are notified of a decision where judgment is reserved, was considered by your Committee.

Your Committee recommends that the Secretary write the Registrar of the Supreme Court of Ontario requesting the latter to withhold releasing judgments to the news media until the Registrar is reasonably satisfied that either counsel or the parties to the action have been notified of the judgment.

ESTIMATES

The estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING

The Treasurer recommended the appointment of a Special Committee on Planning, to consider the use of computers and any other matters which fall within the ambit of planning.

Moved by Mr. Steele, seconded by Mr. Ford, that the Treasurer be empowered to appoint such a Special Committee.

Carried

The Treasurer appointed the following *Special Committee on Planning*: Messrs. Fennell (Chairman), Beament, Chappell, Robins, Steele, and the Chief Librarian.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss.

Your Committee met on Thursday, the 13th of June, 1968, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Callon, Cass, Fennell, Henderson and Steele.

Your Committee considered the activities of a number of persons who appeared to be engaged in the unauthorized practice of law. Instructions were accordingly given to the Secretary.

ESTIMATES

The estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson.

Your Committee met on the 13th day of June, 1968, the following members being present: Mr. Henderson, Chairman, Mr. O'Driscoll, Vice-Chairman, and Messrs. Bowlby, Evans and Pepper.

ESTIMATES

The estimates for the year 1968-69 were considered and approved and submitted to the Finance Committee.

CHRISTMAS CARDS

Mary Schneider has produced an album of excellent drawings of various historic buildings in Toronto, including one or two views of parts of Osgoode Hall. She would be prepared, for $400 or $500, to produce for the Society sketches of such features as the fireplace in the Great Library, the Benchers' Entrance, the Queen's Beasts in the third floor lounge, etc. These could be used to make attractive Christmas cards for sale to the profession and perhaps also in a larger size could be sold to the profession for framing and hanging on their office walls.

The Committee is asked to approve the expenditure of not more than $500 to commission Mrs. Schneider to make drawings of four or five architectural features of Osgoode Hall.

Approved

READER'S DIGEST—*Article called "The Car In Your Family"*

Your Committee recommends that the following letter be sent to the Publisher of The Reader's Digest respecting the article:

> "A publication 'The Car In Your Family' printed and distributed by your Company has come to the attention of The Law Society of Upper Canada.
>
> "As Chairman of the Public Relations Committee of The Law Society of Upper Canada I would draw to your attention an article contained in the publication written by Paul W. Kearney. The article purports to advise members of the public in relation to the course they should follow when involved in an accident.
>
> "The article is inaccurate in respect of the law of the Province of Ontario in several important aspects.
>
> "I am writing to you in order that you may take steps to see that any future publication of the article is corrected so that your readers will not be misled."

Moved by Mr. Robins, seconded by Mr. Ford, that the item re Christmas cards be referred back to the Committee for further consideration. The motion was lost.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON OSGOODE HALL FENCE

Mr. Arnup

Your Committee met on September 12th, 1967 and May 28th, 1968, and in the absence of the Chairman, Mr. Robinette, Messrs. Arnup and R. F. Wilson met informally on June 12th, 1968.

The Chairman pointed out that discussions with the City of Toronto concerning the need of the City for additional land to widen Queen Street, necessitating the relocation of the fence along the north side of Queen Street, and the basis upon which arrangements suitable to the City and the Law Society could be made without expropriation, began in the summer of 1962 and have continued ever since. From time to time the Department of Public Works of Ontario has been involved in discussions, it having been thought desirable both by the Law Society and by the City that the brick wall along the east side of University Avenue, on provincial property, should be torn down and replaced by a fence similar to that around the rest of the Osgoode Hall grounds. He outlined the negotiations which had taken place up to the present time.

THE REPORT WAS RECEIVED.

CONVOCATION ADJOURNED at 12:37 for lunch

CONVOCATION RESUMED at 2:15 p.m., a quorum being present.

SPECIAL COMMITTEE ON LAW SOCIETY GAZETTE

Mr. MacKinnon.

The Chairman reported that there had been a number of Committee meetings over the last year, and he felt that it would be helpful if a progress report were now made to Convocation.

There have been five numbers of the Gazette published since the first issue in May 1967, which now gives a fair opportunity to assess the value of this publication to the Society.

We have refused advertising and we feel this policy should be continued. We determined also, not to accept reports from the Ontario Section of the Canadian Bar Association, as it appeared that the Canadian Bar Journal was a more appropriate vehicle for such reports.

The Editor deliberately planned to give the Gazette, both in appearance and content, a measure of quality which will attract attention, and we believe he has succeeded in that plan. The different covers for each issue, the Henry Bull cartoons, the Letters and the Miscellany sections were hopefully calculated to create a continuing interest so that most people will pick up each issue of the Gazette and want to look inside. What the Gazette has deliberately attempted to avoid is a "house organ" or "bulletin board" appearance.

There have been six articles on Legal Aid in four issues; the Treasurer's Mid-Winter Statement has been published twice; there have been three articles on the Discipline Committee; other articles relating to the affairs of the Society have discussed the awarding of LL.B. degrees, proposed Ruling 15, muniments and memorabilia, incorporating law practices, lawyers' clerks, legal education in general and the

Bar Admission Course in particular. There were, of course, articles of a more general nature of interest to the profession.

There is evidence that the Gazette has had some influence. It discussed the implication of the Rand Report on Mr. Justice Landreville. Favourable comment on this article was received from Lord Denning, the Master of the Rolls. The article on the California System on The Retirement, Discipline and Removal of Judges appeared some four months before a similar system was recommended by the McRuer Report and which is now before the Legislature. The early articles on the Ontario Legal Aid Plan attracted considerable attention. A number of individual copies were purchased by non-members. The article which has received the greatest attention was the article on Lawyers' Clerks. Many letters have been received and news reports on the article were published in several newspapers. The American Bar Association requested and was given permission to reprint the article in the next issue of Legal Economic news. Permission has also been given to reprint it in a feature issue of Law Office Economics.

Two Ontario newspapers have subscribed to the Gazette. Some forty to fifty law libraries around the world are on our mailing list through subscriptions or exchange. All Judges of the Supreme Court of Canada, the Exchequer Court, the Supreme and County Courts of Ontario and Ontario Magistrates receive the Gazette in addition to all Law Schools and Law Societies in Canada.

It would appear that it is being reasonably well received by the profession. Apart from one member who thought, after seeing one issue, that the Gazette might be duplicating the coverage of the Bar Review and Bar Journal, no adverse criticism of the Gazette has been received.

It was suggested that the original title of "The Law Society Gazette" was too similar to the English "The Law Society's Gazette". This seemed to be fair criticism and with Volume II, the title has been changed to "The Law Society of Upper Canada Gazette".

The cost of the first four numbers of the Gazette are as follows:

Volume I, Number 1, May, 1967	$3,819.83
Volume I, Number 2, September, 1967	3,029.85
Volume I, Number 3, December, 1967	3,037.15
Volume II, Number 1, March, 1968	3,662.93
	$13,549.76

As the second issue for Volume II is presently at the Printers, the cost of it is not available. It will probably be close to the cost of the issue Number 1 of Volume II. It will be somewhat smaller in size, but the number of copies printed will be substantially increased by reason of the April admission of the 1968 graduating class of the Bar Admission Course. It is estimated that the cost of publishing the four issues of the Gazette for the calendar year of 1968 will be $15,000.00, and this has been reported to the Finance Committee. The figure is increased over last year because printing costs are higher and because there are 350 more members in the profession.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON ACTIVITIES OF STUDENTS-AT-LAW AND LAW CLERKS—Mr. MacKinnon

Your Special Committee, consisting of H. G. Chappell, C. L. Dubin, S. L. Robins and B. J. MacKinnon (Chairman) have held a number of meetings since being appointed, and engaged in extensive correspondence. Your Chairman prepared a memorandum, respecting articled students-at-law, which was circulated to the members of the Committee. A copy was also sent to Chief Justice Gale, Chief Justice Wells and the Senior Master. They all have indicated an interest in the scope of students' activities, and an interest in assisting us to define that scope.

However, as yet we have had no formal replies outside of an acknowledgment and some oral interviews with the Senior Master and Chief Justice Wells. The Senior Master has indicated that if students are allowed to appear on contested motions before the Masters, there would have to be, in his view, a change in the tariff to allow for the costs of such appearances to be taxed.

Until the final views of Chief Justice Wells and Chief Justice Gale are secured, it will not be possible to prepare and present a final report. Members of convocation were also requested to consider the memorandum.

Your Special Committee, appointed by Convocation on the 16th June, 1967, was also asked to consider and report on the question of the training of law clerks for employment in solicitors' offices in Ontario.

After your Special Committee had begun its investigations an article appeared in the Law Society Gazette respecting the employment of Law Clerks, and was reported in the Toronto newspapers. Considerable interest was aroused by the article and 13 community colleges wrote expressing interest in providing courses for law clerks and inquiring whether the Society would give some guidance in the matter of curriculum. Many lawers and members of the public wrote and telephoned seeking information about prospective courses. In addition the Law Society of British Columbia has written asking for a copy of the Gazette in which the article appeared and suggesting that the training of law clerks might be organized on a Canada-wide basis. This suggestion had been made to the Conference of the Governing Bodies in 1967. The American Bar Association has asked for permission to reprint the Gazette article, as has also a publication called "Law Office Economics and Management", published in Philadelphia.

There are about one hundred law clerks employed in law offices in Metropolitan Toronto, many of whom have been trained in England. Mr. Victor J. Bristow, one of those who were trained in the United Kingdom, has retained solicitors on behalf of himself and ten others to apply to the Provincial Secretary for the incorporation of "The Institute of Law Clerks of Ontario". The first among its stated objects is: "to provide and maintain an organization for those persons employed or working as law clerks on a full-time basis, by or under barristers and solicitors who are members in good standing of The Law Society of Upper Canada and engaged in Ontario either in private practice or employed as a barrister or solicitor in any office, department, corporation or undertaking whatsoever whether Governmental, public, municipal, foreign, commercial or otherwise and to advance and protect the status and interests of such persons."

Because the proposed name of the Institute includes the word "law" the Provincial Secretary has asked the Provisional Directors to obtain the Society's consent to the proposed name and your Committee recommends that consent be given, provided the stipulation that the members of the Institute be full-time employees of lawyers be carried forward from the application for incorporation and embodied also in the By-laws of the Institute.

Opposing the incorporation of the Institute of Law Clerks of Ontario is a group of law clerks or title searchers who are not full-time employees of solicitors, but who work for solicitors who may employ them from time to time. The basis of their objection is that they would be excluded from membership in the Institute.

Mr. Bristow hopes that The Law Society will assist the Institute, particularly in its early stages of development. He has asked the Society to give immediate assistance by suggesting a suitable curriculum to form the basis of special courses for law clerks. Various of the community colleges have also asked for this kind of assistance.

Your Committee's view generally is that there is a place for law clerks in legal offices in Ontario and that there appears to be considerable demand for them. Your Committee considers it important that Law Clerks be properly trained to fulfil their functions competently and with proper regard for the importance and possibly confidential nature of the matters to be entrusted to them. We believe that the Society should assist by recommending a suitable curriculum (as well as emphasizing the prime importance of office training), and have enlisted the assistance of the Director of the Bar Admission Course with a view to producing one in the autumn for the approval of Convocation. The curriculum could then be made freely available to any community colleges or other organizations which want to offer courses to the public and who are prepared to meet the standards suggested.

Your Committee agrees with Mr. Bristow that it would be unwise for there to be any exclusive "licensing" or monopoly of Law Clerks.

THE REPORT WAS ADOPTED.

MERGER OF CONTINUING EDUCATION COMMITTEE WITH LEGAL EDUCATION COMMITTEE

Motion to Amend Rules 15, 16(1), 110 and 38

Moved by Mr. Robins, seconded by Mr. MacKinnon:

THAT *Rule 15* be amended by deleting therefrom subparagraph (j) which reads as follows:

"(j) continuing education;"

THAT *Rule 16(1)* be amended by deleting the words — "the continuing education committee";

THAT *Rule 38* be amended by adding after the word "thereto" in the second line thereof, the words ", all matters relating to the continuing education of the practising profession", so that the first paragraph will read:

"38. The legal education committee is responsible to Convocation for legal education and all matters relating thereto, all matters relating to the continuing education of the practising profession, and may, subject to the approval of Convocation,";

and by adding to the said Rule a further sub-paragraph as follows:

"(i) make such arrangements, including the holding of courses of lectures and the publication thereof, as the committee deems necessary or desirable for this purpose."

THAT *Rule 110* be repealed

Carried

PETITION OF DENNIS BEATTIE

Moved by Mr. Robins, seconded by Mr. Cass, that the Petition be referred to the Legal Education Committee for consideration and report.

Carried

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon,

Your Committee met on Friday, the 14th day of June, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Caldbick, Beament, Bowlby, Fairbairn, Ford, Levinter, Reid, Sale and Waugh.

STUDENT LEGAL AID SOCIETIES

Mr. Lyle S. Fairbairn, Chairman of the Subcommittee on Student Legal Aid Societies, presented a draft report on the subject of student participation in the Ontario Legal Aid Plan and made recommendations respecting the manner in which the endeavours of Student Legal Aid Societies might be integrated with the Plan.

The Committee received the report and instructed the Director to forward it to the Deans of the Ontario Law Schools; the Director of the Bar Admission Course; the Treasurer; the Chairman of the Legal Education Committee and the Secretary of the Law Society.

The Deans and the Director of the Bar Admission Course are to be informed that the report will be discussed at a meeting to be held at Osgoode Hall some time in the last week of July.

Your Committee instructed the present Subcommittee on Student Legal Aid Societies consisting of Lyle S. Fairbairn, Robert F. Reid and Andrew Lawson, to arrange a programme for the meeting. Mr. John D. Bowlby was added to the Committee.

MEETING OF AREA DIRECTORS

The Committee reviewed an agenda which the Director had been instructed to prepare on important matters to be discussed at the meeting of the Area Directors to be held on July 10th and July 11th, 1968.

It was decided that, if possible, all members of the Committee should be in attendance and that the Committee members would meet on Tuesday, July 9th, in the afternoon to discuss the presentation of the programme.

The Committee invited Mr. H. R. Dignam, Director, Legal Aid Assessment Branch, Department of Social and Family Services, to be present at the meeting so that issues relating to his Department may also be reviewed.

DEPARTMENT OF SOCIAL AND FAMILY SERVICES

Mr. H. R. Dignam, Director, Legal Aid Assessment Branch, Department of Social and Family Services, reviewed with the Committee the following matter: an Area Director advised the Provincial Director that the Department of Social and Family Services suggested to all Children's Aid Societies that prospective parents who cannot afford to pay a solicitor's fee in adoption proceedings should be referred to Legal Aid. The Area Director suggested that from the point of view of the ultimate expense to the taxpayer, it would be more in keeping if the local Children's Aid Societies continue to process adoptions rather than referring adopting parents to Legal Aid.

Mr. Dignam informed the Committee that apparently, in this instance, there was a misunderstanding on the part of the Area Director, and that there has been no change in policy. The Children's Aid Society, as in the past, will process adoptions as they relate to children "in care". However, the Society will not interest themselves in "private adoptions" where proceedings often are contentious.

NON-RESIDENT APPLICATIONS
SECTION 17(9) OF THE LEGAL AID ACT

An application for Legal Aid by a non-resident must be approved by the Provincial Director. Over the past year the Director has approved non-resident applications in criminal actions where the applicant is charged with an indictable offence, incarcerated, and the Assessment Officer reports that the applicant can pay no part of his legal costs.

The Director has approved non-resident applications for civil actions, usually relating to marital problems, when the application has been referred through a local Legal Aid Bureau or the Secretary of a Provincial Law Society.

The Chairman instructed the Director to seek the Committee's advice as to what principles should apply with respect to the issuance of legal aid certificates to non-residents.

The opinion was expressed that this Plan is similar to a provincially supported hospital plan and residents in other jurisdictions do not automatically qualify for care in Ontario because they are sick.

The Committee recommended that in criminal matters the Director should apply the same principles in determining whether a certificate should or should not be issued to a non-resident as an Area Director would apply in determining whether a certificate should or should not be issued to a resident.

Your Committee further recommended that in civil matters no certificate should be issued by the Provincial Director to a non-resident except with the approval of the Committee. The Committee will approve the issuing of such a certificate only in the most unusual and extenuating circumstances.

The Committee discussed the issuance of legal aid certificates to residents who desire relief in some other jurisdictions, and instructed the Director to prepare a memorandum so that the matter may be reviewed at the meeting of the Committee on July 9th next. However, the Committee was of the opinion that a legal aid certificate should not be issued to an Ontario resident to provide legal services for him with respect to a charge laid in a foreign jurisdiction and for an offence committed in a foreign jurisdiction.

REMANDS IN CRIMINAL PROSECUTIONS

A subcommittee was appointed to consider the matter of remands in criminal prosecutions, consisting of Mr. John Bowlby, Chairman, and Messrs. Caldbick and Martin.

THE DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

THE LEGAL ACCOUNTS OFFICER

The Legal Accounts Officer submitted a report on statistics for the current month and preceding months.

The Committee also made the following recommendations:

i) lawyers practising in Metropolitan Toronto should not be allowed to charge the Plan for travelling time within Metropolitan Toronto;

ii) the Legal Accounts Officer asked the Committee for its views as to whether he should approve as a proper disbursement, the request being made by plaintiffs' solicitors to employ and pay the fees of persons acting as guardians ad litem for infant defendants in law suits. The Committee was of the opinion that it is improper for anyone acting as guardian ad litem to charge a fee and that a solicitor who acts as guardian ad litem is *not* entitled to be paid a fee.

THE CONTROLLER'S REPORT

The Controller submitted a report on monthly statistics for the month ended April 30th, 1968.

The Controller advised the Committee that the number of legal aid applications per month remains constant and that the number of persons represented by duty counsel remains constant; only 12% of the legal aid clients enter into a contribution agreement and, therefore, 88% of the clients are given free legal aid.

APPOINTMENT OF ASSISTANT TO THE CONTROLLER

Mr. Russell W. Hall, C.A., has been appointed Assistant to the Controller.

COMMITTEE MEMBERSHIP

Admissions Committee

Moved by Mr. Callon, seconded by Mr. Gray, that Mr. Beament be added to the Admissions Committee.

Carried

Legal Aid Committee

Moved by Mr. Levinter, seconded by Mr. MacKinnon, that Mr. O'Driscoll be added to the Legal Aid Committee.

Carried

Legal Aid Programme Committee

The Treasurer pointed out that it had been the policy of the Law Society in connection with other committees that full-time employees of the Law Society should not be members of the committees.

Moved by Mr. Callon, seconded by Mr. Ford, that the Legal Aid Programme Committee be re-constituted as follows:

Mr. T. P. Callon, Chairman, and Messrs. Beament, Borczak, Bowlby, Caldbick, Cass, Dubin, Fairbairn, Ford, Houser, Levinter, Martin, O'Driscoll and Reid.

Carried

SPECIAL COMMITTEE ON SUPREME AND COUNTY COURT TARIFFS

Moved by Mr. Steele, seconded by Mr. Levinter, that a Special Committee be appointed respecting Supreme and County Court tariffs to prepare and present to Convocation and the Rules Committee a suggested revised tariff for Supreme and County Court civil matters.

Carried

The Treasurer appointed the following Special Committee on Supreme and County Court Tariffs (Civil Matters): Messrs. Steele, Chairman, Gray, and MacKinnon.

CONVOCATION THEN ROSE.

"W. G. C. Howland"
Treasurer

27th August 1968

MEETING OF SPECIAL CONVOCATION

27th August 1968

PRESENT:

The Treasurer and Messrs. Bowlby, Bull, Cass, Chappell, Common, Evans, Levinter, MacKinnon, O'Brien, O'Driscoll, Pattillo, Pepper, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF *DONALD WALTER REID* OF THE CITY OF LONDON, A BARRISTER AND SOLICITOR.

On the 29th day of July 1968 a Notice of Complaint was personally served upon the solicitor in accordance with the Rules, containing the following specific complaint:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you on July 14th, 1967, following a trial before His Honour Judge B. J. S. Macdonald in County Court Judge's Criminal Court at London, Ontario, were convicted of the following offences:

(a) That on or about the 15th day of February, 1962 in the Province of Ontario, you did corruptly give to W. A. Pike, an agent of British Mortgage and Trust Company a reward, advantage or benefit of $5,000.00 as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal; contrary to Section 368(1)(a)(i) of the Criminal Code of Canada.

(b) That on or about the 6th day of September, 1962 in the Province of Ontario, you did corruptly give to W. A. Pike, an agent of British Mortgage and Trust Company a reward, advantage or benefit of $5,000.00 as consideration for doing or forbearing to do, or for having done or forborne to do, any act relating to the affairs or business of his principal; contrary to Section 368(1)(a)(i) of the Criminal Code of Canada.

and the following punishment was imposed upon you; namely, that you be imprisoned in the reformatory for a term of twelve months and fined in the amount of $5,000.00, or an additional twelve months on each count concurrent; and that on appeal to the Court of Appeal the said appeal was on June 17th, 1968, dismissed, and that an application for leave to appeal to the Supreme Court of Canada was on June 26th, 1968 dismissed."

The Notice of Complaint was returnable on Wednesday, the 7th day of August, 1968 at two o'clock in the afternoon and your Committee met at this time, the following members being present: Mr. Isadore Levinter, Chairman and Messrs. Slemin, Bull and O'Driscoll. Mr. W. J. Smith, Q.C., appeared as counsel for the Society. Mrs. Donald W. Reid, the solicitor's wife, appeared on his behalf and told your Committee that the solicitor would not be attending the hearing. The Chairman read the Notice of Complaint with Affidavit of Personal Service attached. Mrs. Reid confirmed that this Notice of Complaint had been served on the solicitor.

Your Committee reported that upon the evidence before it found the complaint to be established and recommended that the solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans, seconded by Mr. Levinter, that the Report be adopted.

Mr. Evans then read in full the letter dated 30th June 1968 referred to in the Report, and also a letter and Dispute dated the 23rd August 1968 which had been delivered to the Secretary's Office on the 26th August 1968.

The solicitor was called but was not in attendance nor was he represented by counsel.

After considering the Report of the Discipline Committee and the letters, Convocation adopted the Committee's Report.

IT WAS ACCORDINGLY ORDERED

(1) THAT the Report of the Discipline Committee in the matter of DONALD WALTER REID, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.

(2) THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said DONALD WALTER REID guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.

(3) THAT the said DONALD WALTER REID be disbarred.

(4) THAT the said DONALD WALTER REID is unworthy to practise as a Solicitor.

CONVOCATION THEN ROSE

'W. G. C. Howland"
Treasurer

MEETING OF CONVOCATION

Friday, 20th September 1968
10 a.m.

PRESENT:

The Treasurer, and Messrs. Arnup, Beament, Bowlby, Callon, Cass, Cassels, Chappell, Chitty, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, Henderson, Levinter, Maloney, Martin, McCulloch, MacKinnon, O'Brien, O'Driscoll, Pattillo, Pepper, Raney, Robinette, Robins, Sheard, Slemin, Steele, Strauss, Weir, and Williston.

The Minutes of the meetings of Convocation of June 20th, 21st, and August 27th, 1968 were read and confirmed.

The Treasurer announced with regret the death on July 28, 1968 of John DeLatre Falconbridge, Q.C., M.A., LL.B., an Honorary Life Member of the Law Society, and Dean Emeritus of the Osgoode Hall Law School.

BENCHER

The Treasurer announced with regret the death on September 3, 1968 of Henry Herbert Bull, Q.C., a Bencher of the Society.

ELECTION OF BENCHER

Mr. Willard Zebedee Estey, Q.C. was elected a Bencher of the Law Society.

COMMITTEE MEMBERSHIP

Mr. Willard Z. Estey, Q.C. was appointed to the following Standing Committees: Legal Education, Discipline, and Professional Conduct.

LEGAL EDUCATION COMMITTEE — Mr. Robins

Your Committee met on Thursday, the 12th day of September, 1968, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Callon, Cass, Henderson and Sheard.

BAR ADMISSION COURSE

FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Civil Procedure I

P. J. Brunner, Esq., to be appointed an Instructor in place of W. J. Hemmerick, Esq., Q.C., resigned.

J. E. Sexton, Esq., to be appointed an Instructor in place of C. A. Keith, Esq., transferred to Civil Procedure II.

P. J. Sullivan, Esq., to be appointed an Instructor in place of J. W. McCutcheon, Esq., on leave of absence.

P. Young, Esq., to be appointed an Instructor.

G. E. Julian, Esq., to be appointed a Stand-by-Instructor in place of P. J. Brunner, Esq., promoted to Instructor.

J. W. Morden, Esq., to be appointed a Stand-by-Instructor, in place of J. E. Sexton, Esq., promoted to Instructor.

D. H. Sandler, Esq., to be appointed a Stand-by Instructor in place of P. J. Sullivan, Esq., promoted to Instructor.

F. H. Zemans, Esq., to be appointed a Stand-by Instructor in place of P. Young, Esq., promoted to Instructor.

J. W. Garrow, Esq., to be appointed an Instructor in place of S. G. Fisher, Esq., resigned.

Civil Procedure II

J. D. T. Holding, Esq., to be appointed an Instructor in place of R. J. Wright, resigned.

K. E. Howie, Esq., Q.C., to be appointed an Instructor.

C. A. Keith, Esq., to be appointed an Instructor.

A. C. Pennington, Esq., to be appointed an Instructor.

R. M. Loudon, Esq., to be appointed a Stand-by Instructor in place of J. D. T. Holding, Esq., promoted to Instructor.

B. Raphael, Esq., to be appointed a Stand-by Instructor in place of R. S. Montgomery, Esq., Q.C., resigned.

V. I. Rogers, Esq., to be appointed a Stand-by Instructor in place of A. C. Pennington, Esq., promoted to Instructor.

Real Estate

T. G. Deacon, Esq., to be appointed an Instructor.

J. A. Stephenson, Esq., to be appointed an Instructor.

Miss Lorraine Gotlib, to be appointed an Instructor.

Corporation Law

A. J. Grey, Esq., to be appointed an Instructor in place of J. T. Eyton, Esq., resigned.

A. Karp, Esq., to be appointed an Instructor in place of J. D. Ground, Esq., resigned.

C. T. Loughrin, Esq., to be appointed an Instructor in place of B. B. Lockwood, Esq., resigned.

J. D. Brooks, Esq., to be appointed an Instructor in place of R. L. Shiriff, Esq., resigned.

J. N. Cooper, Esq., to be appointed an Instructor.

J. N. Grieve, Esq., to be appointed an Instructor.

D. E. Smith, Esq., to be appointed an Instructor.

J. G. Coleman, Esq., to be appointed a Stand-by Instructor in place of A. J. Grey, Esq., promoted to Instructor.

J. R. Finlay, Esq., to be appointed a Stand-by Instructor in place of A. Karp, Esq., promoted to Instructor.

S. J. Godfrey, Esq., to be appointed a Stand-by Instructor in place of C. T. Loughrin, Esq., promoted to Instructor.

R. J. Murphy, Esq., to be appointed a Stand-by Instructor.

Estate Planning

R. Lee Woods, Esq., to be appointed a Stand-by Instructor in place of J. A. Fehrenbach, Esq., resigned.

C. B. Kates, Esq., to be appointed a Stand-by Instructor in place of J. F. Kennedy, Esq., promoted to Instructor.

Approved

PETITIONS

Dennis Greer Beattie

At its meeting on 21st June, 1968, Convocation considered a Petition from Mr. L. W. Houlden, Q.C., on behalf of Mr. Beattie, that Mr. Beattie be allowed to complete the teaching period of the Bar Admission Course, and referred this Petition to the Legal Education Committee for consideration and report.

Mr. Beattie and his Counsel, Mr. Houlden, attended and made submissions. Mr. Sheard absented himself during consideration of this matter and did not vote.

Your Committee recommends that the Petition be refused.

Lorie Waisberg entered the Bar Admission Course in September, 1967, and completed his Articles of Clerkship in August, 1968. He asks to be allowed to delay his entry into the teaching period of the Bar Admission Course for one year to enable him to undertake graduate work at Harvard University.

Approved

Brian Paul Bellmore entered the Bar Admission Course in September, 1967, and completed his Articles of Clerkship in August, 1968. He has been awarded a fellowship by Harvard University, Cambridge, Massachusetts, for post-graduate studies in law for the 1968-1969 academic year and asks permission to defer taking the teaching period until 1969, in order that he may study for the degree of Master of Laws.

Approved

Marvin Jacob Roebuck entered the Bar Admission Course in September, 1967, and completed his Articles of Clerkship in August, 1968. He finds that for financial reasons he is unable to proceed and seeks leave of absence for one year to enable him to practise medicine and thus earn enough to resume his legal studies.

Approved

Hilda Margaret McKinlay entered the Bar Admission Course in September, 1966, and completed her Articles of Clerkship in August, 1967, at which time she was granted deferment from the Bar Admission Course to attend Columbia University for the purpose of reading for the LL.M. degree. Miss McKinlay now has that degree and asks permission to defer taking the teaching period until 1969 as she has been appointed a Teaching Fellow at the Osgoode Hall Law School of York University for the academic year 1968-1969.

Approved

Golda Gail Siegel entered the Bar Admission Course in September, 1968. For personal reasons which compel Miss Siegel to remain in London, England, during the period for which she was under articles, she asks to have her name removed from the Rolls of the Society and to be allowed to re-enter the Bar Admission Course at some future date.

Approved

Janet Gibson Van Every was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario 20th June, 1929, and is a member in good standing. She asks permission to attend the teaching period of the Bar Admission Course for the year 1968-1969.

At its meeting on 14th May, 1959, the Committee considered in principle whether lawyers should be allowed to take parts of the Bar Admission Course and recommended "that the Course be limited for the time being to persons registered for the full Course; this stipulation not to apply to those who are asked to become Instructors".

Your Committee recommends that the request be granted.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE — Mr. Sheard

Your Committee met on Thursday, the 12th of September 1968, at 2:30 p.m., the following members being present: Mr. Terence Sheard, in the Chair, and Messrs. Callon, Clement and Robins.

Admission of Students-at-Law

414 candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as Students-at-law in the Bar Admission Course as of September 1, 1968.

Approved

Call to the Bar and Certificate of Fitness

Bar Admission Course

The following candidates having successfully completed the Ninth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00, now apply for Call to the Bar and to be granted Certificates of Fitness:

Robert Irving Goldin
Robert Shing-Tak Mark

Approved

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Balfour Jonathan Halevy, Special — Faculty of Law — Osgoode Hall Law School.

Approved

DIRECT TRANSFER

Shatru Ghan (B.A. and LL.B. from the University of Delhi; LL.M. from the University of London, England) was admitted to the Alberta Bar in July 1963 and practised in Alberta to September 1964. He then joined the Department of the Attorney General in Alberta in October 1964 and stayed there until May 1965. Mr. Ghan joined the National Revenue Department in Ottawa in June 1965 where he stayed until June 1966. From October 1966 to February 1967 he worked with the Combines Investigations Department in Ottawa.

Your Committee recommends that he be allowed to enter the teaching period of the Bar Admission Course immediately and upon successful completion be Called and admitted.

DIRECT TRANSFER FROM QUEBEC

Kenneth Arnold Frank Gates (B.A. McGill University May 1950; B.C.L. McGill University May 1953) was called to the Bar of the Province of Quebec May 1954. Mr. Gates has practised in Quebec continuously since 1954 and is a member in good standing of the Bar of the Province of Quebec. He seeks to proceed under Regulation 5 and has already begun to serve under articles subject to his application being approved.

Approved

Mortimer Saul Smith (B.A. University of McGill 1953; B.C.L. University of McGill 1956) was called to the Bar in the Province of Quebec in 1957 since when he has been in practice in that Province. Mr. Smith is now a senior attorney with the Industrial Development Bank in Montreal and although he intends to remain with the Bank he wishes to join the Ontario Bar to enhance his position with that organization. He seeks to proceed under Regulation 5, and asks to be exempted from the articling period.

Your Committee recommends that he be allowed to complete the Bar Admission Course including the articling period.

UNITED KINGDOM SOLICITOR

Esther K. H. Siu has produced a current practising certificate as an English solicitor and asks to be allowed to proceed under Regulation 8.

Approved

Mrs. G. Lorraine Ouellette (B.A. University of Alberta 1960; LL.B. University of Alberta 1961) was called to the Bar of Alberta in 1962, and has practised there continuously to the present. Mrs. Ouellette wishes to enter the Bar Admission Course instead of proceeding under the Society's direct transfer Regulation.

Your Committee recommends she be allowed to enter the teaching period of the Bar Admission Course and upon successful completion be Called and admitted.

George E. Dhanny was called to the Bar in England in 1959, and has been in active practice at the Trinidad Bar since October, 1961. He holds a Certificate of Fitness to practise (a three month Practical Course run by the Council of Legal Education, London) 1959; Diploma in International Law (Council of Legal Education London) 1959; Diploma in International Affairs (University of London) 1961; LL.B. degree University of London, 1963. Mr. Dhanny is presently studying for the LL.M. degree through the University of London. He seeks to proceed under Regulation 10(b).

Approved

Miss Shahzadi Mohiuddin (B.A. Osmania University, Hyderabad 1958; LL.B. Delhi University, 1962), has practised law at the Supreme Court of India since 1962. She is a member of the Bar Council of India, Supreme Court Bar Association and International Law Association (Indian Branch). She seeks to proceed under Regulation 10(b).

Approved

Charanjit Singh (passed M.A. Examination in Economics, Punjab University, India, 1953; LL.B. Delhi University India, 1955. Also passed proficiency in Law examination in 1957). Mr. Singh has been practising at Delhi Bar since 1957. He seeks to proceed under Regulation 10(b).

Approved

Murtaza Ebrahimjee Zahabi submitted his application to the Admissions Committee in March, 1968, and was approved subject to the new Regulation 10(b). He now asks exemption from the prescribed examinations as well as the articling period of the Bar Admission Course.

Refused

SPECIAL PETITION

John Victor O'Donnell received his LL.B. from Osgoode Hall Law School in 1965. He entered the Bar Admission Course but did not complete the requirements of articling. Since that time, he has been employed by the Centennial College of Applied Arts and Technology as an Instructor in Commercial Law. He now asks permission to enter the September 1968 Bar Admission Course.

Approved

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, The University of Western Ontario, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of the required fee.

Assistant Professor K. A. Hinnegan

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in September, 1968, is before the Committee. Seven candidates sat the examination. The following candidates have passed:

Emerson James Arnett
Allan Stephen Blott
Robert Frederick Lindsay
Adi Nusserwanji Majaina
Lloyd Francis Raphael

Approved

REGULATION 10(b) EXAMINATION RESULTS

The report of the examination held in August, 1968 is before the Committee. One candidate — Kanaparthy V. Sambasiva Rao — attained a passing grade.

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE — Mr. Sheard

Your Committee met on Thursday, the 12th day of September, 1968, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), Fennell, W. E. Harris, Henderson, Levinter, Pepper, Robins and Steele.

ACCOUNTS

The Secretary reports that from the 1st July 1968 to the 31st August 1968 accounts, including Library Accounts, properly approved, to the amount of $82,104.45 have been paid.

Approved

ANNUAL FINANCIAL STATEMENT

The Annual Financial Statement for the year ending 30th June 1968, as certified by the auditors, Messrs. Clarkson, Gordon & Company, is before the Committee for consideration.

Approved

ANNUAL FEES

Your Committee recommends that the portion of the annual fee representing the Barrister's and Solicitor's fee which will be payable by the 30th November 1968, be increased by $20.00 to $90.00. Your Committee noted the recommendation of the Discipline Committee as to the portion of the annual fee representing the Compensation Fund levy.

ROLLS AND RECORDS

The Secretary reports:

(1) Appointment to the Bench:

That the following former member of the Law Society has been honoured in his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

John Ross Matheson, Q.C., Brockville	Called — 29th June 1948; Appointed C.C. Judge, County of Carleton, July 19, 1968

(2) That the following former members of the Law Society have died:

R. Wylie Hart, Q.C., Toronto (Honorary Life Member)	Called—10 June 1910 Deceased—15 June 1968
Timothy J. McKenna, Q.C., Hamilton	Called—18 September 1947 Deceased—24 June 1968
W. E. N. Bell, Toronto	Called—19 September 1935 Deceased—29 June 1968
John E. V. Crozier, Q.C., Toronto	Called—24 November 1927 Deceased—1 July 1968
Percy Shulman, Q.C., Toronto (Honorary Life Member)	Called—26 May 1916 Deceased—15 July 1968
Mark Reingold, Q.C., Toronto	Called—20 January 1927 Deceased—17 July 1968
Joseph Roebuck, Q.C., Toronto	Called—20 October 1921 Deceased—18 July 1968
John D. Falconbridge, Q.C., Toronto (Honorary Life Member)	Called—2 June 1899 Deceased—28 July 1968
John Callahan, Q.C., Toronto (Honorary Life Member)	Called—18 May 1916 Deceased—31 July 1968
Lancelot Nethery, Q.C., Picton	Called—20 June 1929 Deceased—17 August 1968
Stanley G. Metcalfe, Q.C., Ottawa (Honorary Life Member)	Called—22 May 1914 Deceased—23 August 1968
Fred C. Richardson, Q.C., Cobourg (Honorary Life Member)	Called—20 May 1915 Deceased—26 August 1968
Henry H. Bull, Q.C., Toronto	Called—16 June 1938 Deceased—3 September 1968

(3) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

Donald W. Reid, London — Called — 26 June 1958 — Disbarred — Convocation, 27 August 1968

Noted

COUNTY LIBRARIES GRANTS

The Association listed below has sent in its Annual Return for 1967. The amount set opposite its name is the amount of the grant to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

Hastings and Prince Edward .... $1150.00.

Approved

INVESTMENTS

Chancellor Van Koughnet Fund

$2,000.00 Province of Ontario bonds, 7¼% matured, and the fund has been re-invested in $2,000.00 Government of Canada bonds, 5%, due November 1, 1970, @ 97.05 — $1941.00.

Compensation Fund

Guaranteed Deposit — $150,000.00, 7%, matured on the 7th August. Re-invested in Guaranteed Deposit for 30 days at 6½%, maturing September 6, 1968; re-invested in Guaranteed Deposit for 90 days at 6%, maturing December 5/68.

Guaranteed Deposit — $275,000.00, 7%, 91 days, matured August 12th; re-invested for 92 days @ 6½% due November 12, 1968.

Approved

BARRISTERS' DINING ROOM

Mrs. Margaret Bested submits a statement of profit and loss for the six months ended December 31, 1967 in regard to the operation of the dining room.

Received

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Robert Irving Goldin
Robert Shing-Tak Mark
Balfour Jonathan Halevy

CONVOCATION ADJOURNED for luncheon at 12:25 p.m.

CONVOCATION RESUMED at 2:25 p.m., a quorum being present.

DISCIPLINE COMMITTEE — Mr Gray

Your Committee met on Thursday the 12th of September 1968, the following members being present: Mr. W. Gibson Gray, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Beament, Cass, Ford, H. E. Harris, Henderson, Levinter, MacKinnon, Maloney, Pepper, Robins, Steele and Strauss.

COMPENSATION FUND LEVY

Your Committee recommends that the Compensation Fund Levy be set at $40.00 for the year 1968-69.

DISCIPLINE COMMITTEE — *Counsel*

Your Committee considered the following questions:

1. Should a lawyer act as counsel to the Discipline Committee if he is a partner of or associated with a Bencher?
2. Should a lawyer act as counsel for a solicitor appearing before the Discipline Committee if he is partner of or associated with a Bencher?
3. If a solicitor acts on behalf of the Law Society is he precluded from charging a fee because he is a partner of or associated with a Bencher and the Bencher will necessarily receive part of such fee?

Your Committee recommends that a sub-committee, composed of Mr. F. J. L. Evans as Chairman, and Messrs. MacKinnon and Pepper, be appointed to consider and report on the above three questions.

Moved by Mr. Gray, seconded by Mr. Evans, that the Report be adopted.

Moved in amendment by Mr. Beament, seconded by Mr. Goodman, that the figure $30.00 be substituted for the recommended figure of $40.00, to be the Compensation Fund *Carried*

The Report as amended was adopted.

Mr. Gray also presented the Report of the Discipline Committee respecting the Compensation Fund for the period from January 1st to June 30th, 1968.

The Report was received.

PROFESSIONAL CONDUCT COMMITTEE — Mr. Fennell

Your Committee met on the 12th day of September 1968 at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Ford, Gray, MacKinnon, Maloney and Strauss.

1. MISCELLANEOUS

(a) Your Committee considered an enquiry from a Toronto solicitor concerning the ultimate disposition of a disbarred lawyer's files that came into his possession shortly after the disbarment took place. Your Committee recommends the appointment of a Sub-Committee composed of Mr. John G. J. O'Driscoll as Chairman, and Messrs. Evans, Ford and Slemin, to consider the general question that is raised by this enquiry.

(b) The Chief Inspector of the Real Estate and Business Brokers Act wrote to the Society requesting a statement of the Society's official position on the following situation:

A solicitor has sought to participate in the commission paid by a vendor to his real estate broker. The solicitor maintains that such a participation is in order since he had invested considerable time and effort in working with a group of buyers as a syndicate to purchase the properties in question. The solicitor is also acting in this transaction as the lawyer for the purchasers.

Your Committee recommends the appointment of a Sub-Committee to consider the general question that has been raised, and that it be composed of Mr. Nathan Strauss as Chairman and Messrs. Maloney and Pepper.

(c) The Department of the Provincial Secretary and Citizenship has drawn to the Society's attention two applications for incorporation. The first includes in its objects' clause:

"1. To act as managers of and as consultants and advisors to:

> (b) Lawyers, doctors, dentists, engineers and all professional persons."

Your Committee instructed the Secretary to advise the Department that it was of the opinion that this provision is objectionable since the introductory words of clause 1, read in conjunction with "Lawyers" in subsection (b), are so broadly worded as to be in possible conflict with the relevant professional Statutes.

The objects clause of the other application for incorporation contains the following:

> "to operate and conduct the business of providing comprehensive services to offices engaged in the practice of law in the Province of Ontario, and without limiting the generality of the foregoing, to provide the following . . .
>
> (e) legal research . . ."

Your Committee also, in this instance, instructed the Secretary to advise the Department that in its opinion the objects are too broadly worded and therefore objectionable inasmuch as there could also here be a possible conflict with the relevant professional Statues.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on Thursday, the 12th of September 1968, the following members being present: Mr. Steele, Chairman, and Messrs. Ford, (Vice-Chairman), Beament, Cassels, Clement, Harris, Maloney and Strauss.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to August 31st, 1968, are as follows:

	Books	*Sundries*	*Salaries*
Estimates	25,000.00	3,500.00	96,000.00
Expenditures	2,463.88	558.78	15,708.27

Approved

GIFTS AND DONATIONS

The following books have been donated:

The Honourable Mr. Justice Bora Laskin — A total of 58 volumes and a large number of pamphlets in the field of international law.

William A. Donovan, Esq., Chatham, Ontario — Eight volumes of early Canadian legal texts published between 1837 and 1889.

H. W. D. Kilgour, Esq., Q.C. — A total of 137 volumes, including the *Texas Law Review*, Summers' *Oil and Gas* and the *Oil and Gas Reporter*. *Noted*

AMERICAN ASSOCIATION OF LAW LIBRARIES ANNUAL CONVENTION

In accordance with approval given at the March meeting of this Committee, the Chief Librarian and Miss Eleanor Moore, Assistant Librarian, attended the Annual Convention of the American Association of Law Libraries in Philadelphia from June 30th to July 3rd, 1968. *Approved*

BOOK LIST

A list of books acquired recently is presented for approval. *Approved*

COUNTY LIBRARIES

ANNUAL GRANTS

The following Association has sent in its annual returns. The amount which it should receive under the Rules for the year 1968 is as follows:

	1968	*1967*
Hastings and Prince Edward	$1,150.00	$1,275.00

The above Association submitted its annual returns prior to May 30th, 1968 and is not subject to a penalty. *Approved*

COUNTY LIBRARY INSPECTIONS

An inspection of Peel County Law Association Library was made by the Chief Librarian on May 15, 1968. *Approved*

BAR ADMISSION COURSE LIBRARY FACILITIES

The matter of library facilities for the Bar Admission Course was discussed and it was moved and seconded that the Chairman appoint a Sub-Committee to discuss the matter further with the Director of the Bar Admission Course and others who might be interested, with a view to making a recommendation to Convocation in respect of such facilities. A sub-committee was appointed consisting of Messrs. Steele, Ford and Strauss.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Strauss

Your Committee met on Thursday, the 12th of September, 1968, the following members being present: Mr. Strauss, Chairman, and Messrs. Callon, Cass, Clement, Fennell, Henderson and Steele.

Four separate matters in respect of the activities of non-lawyers were referred on earlier occasions to Counsel for an opinion. Counsel's four reports were considered by your Committee and in each case it was decided that no further action be taken.

A further matter involving a possible contravention of Section 6 of the Solicitors' Act, R.S.O. 1960 is currently under investigation.

Several other matters were considered by your Committee and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE — Mr. O'Driscoll

Your Committee met on Thursday, the 12th day of September, 1968, the following members being present: Mr. Henderson, Chairman, and Messrs. Evans, H. E. Harris, W. E. Harris and Pepper.

INFORMATION FOR PUBLIC AND HIGH SCHOOL STUDENTS

The booklets previously referred to in Convocation in June can be made available through the Ontario Law Students' Association, but the printing costs have not yet been finally ascertained. The matter stands for further information.

HISTORY OF THE LEGAL PROFESSION

Your Committee recommends that the matter not be proceeded with at this time but be reconsidered in 1969.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE — Mr. Callon

Your Committee met on Friday, July 12th, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Cass, Caldbick and Fairbairn.

COLLECTION OF DELINQUENT ACCOUNTS

Your Committee considered suggestions for the improvement of procedures with respect to the collection of delinquent accounts from persons assisted by the Legal Aid Plan.

The Committee recommended that where there is an undertaking to pay, more information be obtained from the applicant through the Area Director and the Assessment Officer. An information sheet should be developed which would enable the Area Director to obtain a history of the applicant giving the name of his employer, his immediate relatives, his bank, etc.

Your Committee also appointed a Sub-Committee on Collections consisting of Mr. G. E. Beament, Q.C., Chairman, and Messrs. Houser and Caldbick. The Sub-Committee's terms of reference are:

(a) To define the problems relating to collection of clients' obligations to contribute, and

(b) to recommend the policy and procedures to be followed in the solution of such problems.

The Subcommittee was asked to confer with the appropriate representatives of the Ontario Government and to make recommendations to this Committee.

NON-RESIDENT APPLICATIONS
SECTION 17(9) OF THE LEGAL AID ACT

Your Committee reviewed twenty non-resident civil applications which the Director had received in the month of June.

In June, Convocation had adopted the Report of the Programme Committee which recommended that in civil matters, no certificate should be issued by the Provincial Director to a non-resident except with the approval of the Legal Aid Programme Committee.

The Committee instructed the Director to write all the legal aid bureaus where the applications had originated to ascertain what reciprocal rights an Ontario resident would receive and to report back to the Committee.

PAYMENT UNDER PART VI OF THE REGULATION

(a) Mr. G. D. Jefferson, Solicitor, London, submitted an application for legal aid on behalf of his client, Raymond Cecil Anderson, who in an action under a legal aid certificate had costs taxed against him in the amount of $465.40.

The Committee refused the application. Both the defendant and the plaintiff were represented by Legal Aid and the end result would mean that the party and party costs would come back to the Fund under Section 16 of the Legal Aid Act.

(b) The application of John Evanoff, Timmins, for payment of costs awarded in the Second Division Court in the amount of $59.75 was refused.

On review of this application the Committee noted that the Town of Timmins was the judgment creditor and therefore, no real hardship to the creditor could be established.

MEETING OF AREA DIRECTORS

On July 10th and July 11th, 1968 the Legal Aid Programme Committee held a meeting of the Area Directors at Osgoode Hall.

The Treasurer welcomed the Area Directors to the two-day work session.

The following members of your Committee were in attendance: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Caldbick, Ford, Levinter, Martin and O'Driscoll.

Mr. H. R. Dignam, Director, Legal Aid Assessment Branch, Department of Social and Family Services attended the meeting by invitation.

SECTION 14(4) OF THE LEGAL AID ACT

John Weingust, Solicitor, Toronto, requested the Director to issue a certificate for an appeal under Section 14 of the Legal Aid Act. The York County Area Committee had refused to approve a certificate to the applicant and the Director had concurred with the decision of the Area Committee. Subsequently, counsel continued with the appeal and the Court of Appeal quashed the conviction.

The Committee refused the request noting that under the Act and Regulation there is no authority for the Director to do this.

THE DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

It was noted that total Plan expenditure to date is within the budget with the exception of recoveries of client contributions.

THE LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report on statistics for the month of June, 1968.

THE CONTROLLER'S REPORT

The Controller submitted a report on statistics for two months ended May 31st, 1968.

AREA COMMITTEES

Section 14(4) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area. Your Committee recommends that the following be appointed members of the Legal Aid Area Committee for the following area:

Appointments

Lanark County Area Committee
J. A. B. Dulmage, Q.C., Smiths Falls
M. J. Galligan, Solicitor, Almonte

Resignations

Your Committee has received notice of resignation from the following:

Lanark County Area Committee
R. G. Barker, Solicitor, Perth
C. J. Newton, Q.C., Almonte (appointed Crown Attorney)
District of Muskoka
Mr. Oscar Finnson, Rubberset Co. (Canada) Ltd.
Welland County
Louis Ziff, Solicitor, Fort Erie

THE REPORT WAS ADOPTED.

(Note: Schedules A, B, C, and D in special binder — "Legal Aid Programme Committee, Schedules to Committee Reports")

Your Committee met on Thursday, the 25th day of July 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Cass, Common, Dubin, Fairbairn, Ford, Levinter and Reid.

The following were also in attendance: Dean G. E. LeDain, Q.C., Osgoode Hall Law School, Dean R. St. J. Macdonald, University of Toronto, Dean Thomas G. Feeney, Q.C., University of Ottawa, R. J. Roberts, Q.C., Director, Bar Admission Course, Professor E. F. Ryan, University of Western Ontario, Professor M. R. Gorsky, Queen's University and Professor T. G. Zuber, University of Windsor.

Mr. Charles Dubin, Q.C., attended the meeting as a member of the Legal Aid Programme Committee and as a member of the Legal Education Committee and the Special Committee on the Activities of Students-at-Law.

Student Legal Aid Societies

At its June meeting, your Committee received the report of its Sub-committee on Student Legal Aid Societies which made recommendations respecting the manner in which the endeavours of Student Legal Aid Societies could be integrated with the Ontario Legal Aid Plan.

The Director was instructed to forward the Subcommittee report to the Deans of the Ontario Law Schools and to the Director of the Bar Admission Course, informing them that the report would be discussed at a meeting to be held the last week of July.

On July 25th, 1968, the Legal Aid Programme Committee met with the officials of the six law schools and the Director of the Bar Admission Course to receive their comments concerning the Reports.

The Law School representatives approved in principle the report of the Subcommittee and unanimously agreed that the Student Legal Aid Societies can, in fact, make some contribution to the Legal Aid Plan.

As a result of the meeting, it was further agreed that amendments should be drafted to the Legal Aid Act and Regulation to facilitate such student participation.

Your Committee undertook to proceed with the drafting of the amendments, in particular with respect to Section 71 of the existing Regulation, which in turn would be forwarded to the senior officials of the law schools for approval.

Mr. Dubin informed the meeting that he would recommend to the Special Committee on Activities of Students-at-Law that they make their report on the legal status of students as soon as possible.

THE REPORT WAS ADOPTED.

Your Committee met on Friday, the 13th day of September, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Caldbick, Common, Fairbairn, Ford, Levinter and O'Driscoll.

SUBCOMMITTEE ON STUDENT LEGAL AID SOCIETIES

Your Committee reviewed proposed amendments to the Legal Aid Act and Regulation prepared by Mr. G. E. Beament, Q.C. The amendments relate to the participation of students in the Ontario Legal Aid Plan.

Your Committee moved that the draft amendments be forwarded to the Deans of the Law Schools for their consideration and comment.

THE DIRECTOR'S REPORT

(a) The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation for the month of June, 1968.

(b) The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation for the month of July, 1968.

THE LEGAL ACCOUNTS OFFICER'S REPORTS

(a) The Legal Accounts Officer submitted to the Committee a report on statistics for the month of July, 1968, comparing the July statistics with previous months.

(b) The Legal Accounts Officer submitted to the Committee a report on statistics for the month of August, 1968, comparing the August statistics with previous months.

THE CONTROLLER'S REPORT

(a) The Controller submitted to the Committee a summary of applications for the month ended June 30th, 1968.

(b) The Controller submitted to the Committee a summary of applications for the month ended July, 1968.

Your Committee noted that the number of civil and criminal legal aid applications remains constant and that the volume is generally increasing outside the York area.

THE LEGAL AID FUND ESTIMATE OF COSTS

In accordance with the Provincial Government and the Law Society's Minutes of Understanding, the estimates of costs for the fiscal year ending March 31st, 1970, were submitted to the Committee for approval.

The Committee approved the estimates and submits them to Convocation for approval.

SOLICITOR ACTING AS GUARDIAN AD LITEM

Your Committee considered correspondence from a solicitor who objected to the decision of the Committee that it is not considered proper for a solicitor to act as guardian ad litem for a fee.

Your Committee confirmed its previous decision, which was reported to Convocation, that it is not proper for a solicitor to act as guardian ad litem in a legal aid matter and charge a fee.

PAYMENT OF COSTS: PART VI OF THE REGULATION

The Committee reviewed correspondence from Ronald J. Reid, Q.C., Preston, with respect to an application for payment of costs awarded to a client in the Supreme Court of Ontario, in the amount of $1,736.00 against a legally aided party to the action.

After careful consideration of the applicant's financial status, the Committee were of the opinion that there was no real hardship indicated if the costs were not paid and confirmed its policy that this type of application should only be approved on compassionate grounds.

The application was disallowed.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the following areas:

Lincoln County
Colonel Eric Partington, St. Catharines.

Cochrane District
Garry J. Sullivan, Esq., Solicitor, Timmins
David Lalonde, Esq., Life Insurance Agent, Timmins
Gerald Plouffe, Esq., Men's Clothing Store, Timmins

Your Committee has been advised of the resignation of the following members from Area Committees:

Lambton County
Jack S. G. Cullen, Solicitor, Sarnia

Lincoln County
Brigadier Moogk, St. Catharines.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON OSGOODE HALL LAW SCHOOL AFFILIATION WITH YORK UNIVERSITY

Mr. Arnup

Your Committee met on Tuesday, the 25th day of June, 1968, the following members being present: Mr. W. G. C. Howland, Chairman, Mr. S. L. Robins, Vice-Chairman and Mr. J. D. Arnup. Messrs. Z. G. C. Lash and Michael Bradley attended at the request of the Chairman.

Your Committee met to decide the policy with respect to future bequests made to the Society for scholarships and prizes which would not be covered by the agreement with York University.

Your Committee recommends that the Society seek legislation affecting only those bequests referred to on a strict reading of the agreement, that is to say, under the Society's control on the 15th day of October, 1965, or held by it theretofore.

It also recommends that settlors and executors, but not beneficiaries, should be advised of the Society's intentions, quoting the relevant paragraph from the draft legislation.

With respect to the Gerald J. Pickering Memorial Bursary and the Norman DiLella Bursary Fund funds now in the Law Society Foundation, the Committee recommends that they be added to the draft Bill, and that with respect to the Robert James McLaughlin Memorial Bursaries, at its meeting on the 20th November, 1964, Convocation approved the recommendation of the Legal Education Committee that the gift received from the estate of the late W. W. McLaughlin be used for bursaries in the Bar Admission Course or Osgoode Hall Law School. The bursaries to be provided by the income from this bequest to be known as the Robert James McLaughlin Memorial Bursaries. It is now recommended that the proposed legislation include a provision appointing the University Trustee in the place of the Law Society with respect to one-half of the property which is subject to the provisons of the bequest, and that the University be empowered to hold and invest it and apply the income in awarding bursaries to the students at Osgoode-York. It is further recommended that the remaining half of the property be invested by the Society and the income employed to provide bursaries for students in the Bar Admission Course.

Your Committee recommends approval in principle of the draft Act respecting the transfer of scholarships for the benefit of the Osgoode Hall Law School of York University, with power to the Treasurer and the Chairman of the Finance Committee to settle the final terms of the Act.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON SURROGATE COURT TARIFFS — Mr. Sheard

1. Your Committee was appointed on February 19th, 1965 and has made two reports, the first dated November 18th, 1966 and the second June 16th, 1967. After a long study of the opinions of various County Associations and others and the practice in various other jurisdictions, the first report recommended the adoption in the Surrogate Court Tariff of the principle that solicitors' fees be based on a percentage of the total of the aggregate value of an estate. This recommendation was approved by Convocation. The second report recommended the following tariff:

On the first $10,000.00 or portion thereof, of the aggregate gross value, 4% with a minimum fee of $100.00 but not over 50% of the total value of the estate;

On the next $40,000.00, or portion thereof, 3%;
On the next $100,000.00, or portion thereof, 2%;
On the next $350,000.00, or portion thereof, 1½%;
On that portion of the estate exceeding $500,000.00, 1%.
This recommendation was also approved by Convocation.

2. As the matter of a tariff for such charges is by Section 78(1)(c) of The Surrogate Courts Act placed within the jurisdiction of The Rules Committee, your Committee approached the Secretary of The Rules Committee seeking an opportunity of presenting this new tariff to it. The Rules Committee thereupon appointed a Sub-Committee to consider the matter, this Sub-Committee being composed of:

His Honour Chief Judge A. R. Willmott, Chairman
The Honourable Mr. Justice J. F. Donnelly
G. D. Watson, Esq., Q.C., and R. J. Rolls, Esq.

3. After this Sub-Committee had had an opportunity of considering our recommendations, your Committee met with them three times. After a great deal of discussion, the Sub-Committee recommended to the Rules Committee the following tariff:

On estates up to $50,000.00, 3%;

On the next $100,000.00, 2%;

On the next $150,000.00, 1½%;

Over $300,000.00, a fee to be determined by the time spent, the results achieved and the amount involved.

All fees to be subject to review by the Surrogate Judge and/or the Taxing Officer on a taxation under the Solicitors' Act.

The Rules Committee refused to accept this recommendation and referred the matter back to the Sub-Committee for further consideration which, however, did not see fit to change its recommendation.

4. Your Committee then requested, and obtained, permission to address The Rules Committee itself. In the end, The Rules Committee enacted the following new tariff which has been promulgated in the Regulations:

On the first $10,000.00, or a portion thereof, of the aggregate value of the estate, 3%;

On the next $90,000.00 or a portion thereof, 2%;

On the next $200,000.00, or a portion thereof, 1½%;

On the excess over $300,000.00 additional fees may be charged, the amount thereof to be determined by the time spent, the results achieved and the amount involved.

These fees were also made subject to review by the Surrogate Court Judge or the Taxing Officer and the aggregate value was defined to include all items to be included for returns under The Succession Duty Act of Ontario at the value determined under the Act but not to include the value of any benefits under The Canadian Pension Plan.

The Rules Committee also made an alteration in the tariff for services performed on the passing of accounts, the new provision being as follows:

On the first $10,000.00, or a portion thereof, of the total receipts, both capital and income, 1%; (minimum $40.00);

On the next $190,000.00, or a portion thereof, ¼ of 1%;

On the excess over $200,000, subject to the discretion of the Surrogate Court Judge on the passing of accounts, 1/10 of 1%.

5. Although your Committee is disappointed that The Rules Committee did not see fit to adopt the schedule of fees ap-

proved by Convocation, nevertheless it feels that an important step forward has been made by the adoption of the fixed-fee principle in the matter of legal fees in estates' administration. After a sufficient period of time has elapsed to enable the profession to reach a judgment about the adequacy of the new scale, your Committee recommends that the County Law Associations should again be canvassed to ascertain their views. If the majority opinion appears to indicate that the scale is too low, a new committee should be formed and a new approach made to The Rules Committee based on the evidence obtained at that time.

Your Committee asks therefore that it should be discharged.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING — Mr. Fennell

Your Committee met on Thursday, the 12th of September, 1968, the following members being present: Mr. Fennell, Chairman, Messrs. Robins and Steele and Miss McCormick.

The matter of computers and their application to the legal profession was discussed and the Secretary was instructed to obtain and forward to each member of the Committee various literature on this subject.

The Treasurer brought to the attention of the Committee the question of manpower and the future demand for lawyers. The Ontario Institute for Studies in Education recently completed a survey on "Qualified Manpower in Ontario, 1961-1986" and Volume I of this work contains a chapter on the legal profession. Your Committee discussed the question of the Institute's undertaking a more detailed survey of the legal profession and it was decided that the matter be further investigated.

THE REPORT WAS ADOPTED.

COMMITTEE MEMBERSHIP

Legislation and Rules Committee

Moved by Mr. Steele, seconded by Mr. Callon, that Mr. H. G. Chappell, Q.C. be appointed to the Standing Committee on Legislation and Rules. *Carried*

Special Committee on Muniments and Memorabilia

Moved by Mr. Strauss, seconded by Mr. O'Brien, that Mr. G. E. Beament, Q.C. be appointed to the Special Committee on Muniments and Memorabilia. *Carried*

Building Committee

Moved by Mr. Steele, seconded by Mr. Strauss, that Mr. W. B. Common, Q.C. be appointed to the Building Committee. *Carried*

Rules Committee

Moved by Mr. Beament, seconded by Mr. Slemin, that Messrs. G. D. Watson, Q.C., R. J. Rolls and J. J. Carthy be re-appointed representatives of the Law Society of Upper Canada on the Rules Committee for a further term of three years. *Carried*

Special Committee re Appointment of Governor-General as an Honorary Bencher

Moved by Mr. Fennell, seconded by Mr. Steele, that Messrs. Beament and Cassels be appointed a Special Committee respecting the election of the Governor-General as an Honorary Bencher of the Society. *Carried*

Special Committee on Conference of Presidents of County and District Law Associations

Moved by Mr. Callon, seconded by Mr. Steele, that the Treasurer be empowered to appoint a Special Committee on the Conference of Presidents of the County and District Law Associations. *Carried*

The Treasurer appointed the following Special Committee: The Treasurer, Chairman and Messrs. Cass, Callon, Gray, Henderson, Robins and Steele.

ANNUAL MEETING

Moved by Mr. Fennell, seconded by Mr. O'Brien, that the Annual Meeting of the Law Society be held in Windsor at the time of the Mid-Winter Meeting of the Ontario Section of the Canadian Bar Association on Saturday, February 8, 1969 beginning at 2:30 p.m. in the Cleary Auditorium. *Carried*

SPECIAL CALL TO THE BAR

—The Honourable John Napier Turner,
Minister of Justice and Attorney General of Canada

Moved by Mr. Callon, seconded by Mr. O'Driscoll, that pursuant to Section 4 of The Barristers' Act, the Honourable John Napier Turner, Minister of Justice and Attorney General of Canada, be called to the Bar of Ontario on Friday, the 18th October 1968, without complying with any of the rules of the Society as to admission, examinations, payment of fees, or otherwise. *Carried*

NOTICE OF MOTION TO AMEND RULE 11

Mr. Fennell gave formal notice that the following motion will be made at the regular Convocation in October:

> THAT Rule 11 be amended by adding to section (3) (d) thereof the words — "including the report of the Legal Aid Programme Committee", so that the subsection will read:
>
> > (d) reports of standing committees including the report of the Legal Aid Programme Committee.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Angus L. McKenzie, President, Middlesex Law Association, dated July 5, 1968, enclosing Resolution approved and adopted by the Trustees of the Middlesex Law Association on June 27th, 1968.

Letter dated June 25, 1968 from Dr. J. A. Corry, Principal and Vice-Chancellor, Queen's University, expressing appreciation of the action of the Law Society in having him Called to the Bar, and of the other courtesies of the day.

Letter from the Hon. G. S. Challies, Associate Chief Justice, Superior Court, Montreal, dated 26th June 1968, thanking the Treasurer and Benchers for permitting four of his colleagues and himself to attend the special lectures put on in Ottawa on the 1968 Divorce Act.

Letter from Mrs. C. H. A. Armstrong dated July 3rd, 1968 thanking the Treasurer for presenting a copy of Mr. Armstrong's book, "The Honourable Society of Osgoode Hall" to the Chancellor of York University.

Letter from Mr. R. T. Garlick, New Zealand Law Society, dated July 5, 1968 thanking the Treasurer and officers of the Society for their assistance in obtaining information regarding the Society's Legal Aid Plan.

Letter from Prime Minister Trudeau dated July 5, 1968 thanking the Treasurer for the message of congratulations forwarded to him on behalf of the Benchers of the Law Society.

Letter from Mr. Richard H. Denison dated July 7, 1968 acknowledging the expression of sympathy sent by the Treasurer and Benchers of the Law Society on the death of the late Miss Emily F. Denison.

Letter from the Hon. J. Keiller Mackay dated July 16, 1968 acknowledging the Treasurer's letter sent on the occasion of his 80th birthday.

Letter from the Hon. John N. Turner, Minister of Justice, dated July 17, 1968 thanking the Treasurer for his message of congratulations on his appointment as Minister of Justice; and accepting the Treasurer's invitation to luncheon on October 18th, and to be called to the Bar, and address the graduating class in the afternoon.

Letter from the Hon. George J. McIlraith dated July 18, 1968, thanking the Treasurer for his letter of congratulations on his appointment as Solicitor General, and advising him that the appointment carries with it his appointment as an ex-officio Bencher of the Law Society.

Letter from Mrs. John D. Falconbridge dated 20th August 1968 thanking the Treasurer and Benchers for their expression of sympathy received on the death of the late John D. Falconbridge, Dean Emeritus of the Osgoode Hall Law School.

Letter from Brig. Gen. Louis-Fremont Trudeau, Assistant Secretary to the Governor-General, dated September 3rd, 1968, advising that His Excellency is pleased to accept the invitation of the Treasurer and Benchers of the Law Society to be present at a Special Convocation on November 18th when he will be elected an Honorary Bencher of the Law Society.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 18th day of October, 1968.

W. G. C. Howland,
Treasurer

SPECIAL MEETING OF CONVOCATION

Thursday, 3rd October 1968
10 a.m.

PRESENT:

The Treasurer and Messrs. Arnup, Bowlby, Cass, Common, Dubin, Estey, Evans, Ford, Gray, H. E. Harris, W. E. Harris, Maloney, McLaughlin, O'Brien, Robins, Slemin, Steele, Strauss, Thom and R. F. Wilson.

LEGISLATION AND RULES COMMITTEE

Mr. R. F. Wilson presented a further (8th) draft of the proposed Law Society Act.

Convocation considered it clause by clause. When Convocation came to consider Section 13 of the draft Law Society Act which has to do with Benchers elections, Mr. Robins was requested to present the Report of the Special Committee on Organization of Convocation and Committees, which was as follows:

At its meeting on 17th November 1967, Convocation considered the recommendation of this Committee that at each quinquennial election the fifteen Benchers from Metropolitan Toronto having the highest number of votes be elected; and that the first fifteen from elsewhere in Ontario having the highest number of votes also be elected. Convocation rejected this recommendation and the Benchers were later asked to express their views in writing so that the Committee could give the matter further consideration. A number of helpful letters were received, particularly one from Mr. O'Brien in which he examined closely possible ways of improving the present system of Benchers' elections. Your Committee gave careful consideration to all the suggestions that have been made to date, all of which coupled advantages with some disadvantages, and recommends that each qualified voter be given two lists of Candidates, one containing the names of those nominated from Metropolitan Toronto and the other the names of those nominated from elsewhere in Ontario, and two ballots. Upon one he would vote for up to fifteen candidates from Metropolitan Toronto, and upon the other for up to fifteen candidates from elsewhere in Ontario. It would be open to a voter to complete both ballots or to vote for some number less than fifteen on either or both, or to use one and not the other ballot.

It is assumed that in filling a vacancy in the Bench reference would be made to the appropriate list of candidates so that balanced representation could be preserved as far as possible.

THE REPORT WAS ADOPTED.

Moved by Mr. O'Brien, seconded by Mr. H. E. Harris, that the conclusion reached by the Special Committee on Organization of Convocation and Committees be embodied in Section 13 of the draft Law Society Act.

Carried

Convocation then returned to consideration of the draft Law Society Act, clause by clause, and made certain additions, deletions and changes which are underlined in red in the draft appended forming part of these Minutes.

Convocation approved of the draft Law Society Act as amended as aforesaid, subject to the final wording of Sections 13, 34 and 40 being settled by the Treasurer and the Chairman of the Special Committee in consultation with Mr. Common and Mr. MacTavish.

Convocation directed that a copy of the draft Act in its final form be sent to all Benchers prior to Convocation on October 18, 1968.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 18th day of October 1968.

W. G. C. HOWLAND,
Treasurer

MINUTES OF CONVOCATION

Friday, 18th October 1968
9:15 a.m.

PRESENT:

The Treasurer and Messrs. Arnup, Beament, Bowlby, Callon, Cass, Cassels, Chappell, Chitty, Clement, Common, Creighton, Dubin, Estey, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, Henderson, Jamieson, Maloney, Martin, MacKinnon, O'Brien, O'Driscoll, Pattillo, Pepper, Robinette, Robins, Sedgwick, Seymour, Sheard, Slemin, Steele, Strauss, Thom, Weir and Wishart.

The Minutes of Convocation of September 20th, and of Special Convocation of October 3rd, 1968 were read and confirmed.

LEGAL EDUCATION COMMITTEE — Mr. Robins

Your Committee met on Thursday, the 10th day of October, 1968, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, and Messrs. Cass, Henderson, Pattillo, Sheard, Slemin and Thom.

BAR ADMISSION COURSE

ARTICLES — PLACEMENT OF STUDENTS

At its meeting on 12th September, 1968, the Committee had before it a letter from Mr. J. A. Langford to the Treasurer proposing that some improved system is needed to enable law firms and students seeking articles to find each other, and suggesting that both the firms and students might complete questionnaires which could be made available centrally. The Committee recommended that the matter stand to the October meeting.

Your Committee recommends that the matter be referred to Mr. R. J. Roberts for consideration and report to this Committee.

THE S. J. BIRNBAUM, Q.C., SCHOLARSHIPS

The Will of the late S. J. Birnbaum, Q.C., provides as follows:

> "To the Law Society of Upper Canada, the sum of TEN THOUSAND ($10,000.00) DOLLARS, for the establishment of an Endowment in my name of one or more scholarships annually, from the annual income thereof. The Scholarships and the amounts and the allocation of subjects respectively are to be left to the discretion and best consideration of Benchers of the Education Committee or such other committee as has charge of such matters. These Scholarships are to be called 'The S. J. Birnbaum, Q.C., Scholarships'."

A cheque of the Canada Permanent Trust Company for $10,000.00 in favour of the Society has been received from Mr. John Honsberger, Q.C., solicitor for the Estate herein.

Your Committee recommends that the matter be referred to Mr. R. J. Roberts for his recommendations as to the Course or Courses in which Scholarships should be given.

CONTINUING EDUCATION

CONTINUING EDUCATION PROGRAMME 1969

Your Committee recommends that the programme be on the subject "Defending a Criminal Case" including ethical considerations involved.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE — Mr. Pattillo

Your Committee met on Thursday, the 10th of October, 1968, at 2:30 p.m. the following members being present: Mr. A. S. Pattillo, Chairman, Mr. S. D. Thom, Vice-Chairman, and Messrs. Beament, MacKinnon, Robins and Slemin.

SPECIAL CALL TO THE BAR AND CERTIFICATE OF FITNESS

THE MINISTER OF JUSTICE (Friday, 18th October, 1968)
By Resolution of Convocation 20th September, 1968
The Honourable John Napier Turner, Q.C.
Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

21 further candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1968:

Approved

DIRECT TRANSFERS

Robert Brunsdon Davies (Bachelor of Commerce University of Saskatchewan 1960; LL.B. University of Saskatchewan 1962), was called to the Bar in British Columbia 1st October 1965, and remained in active practice in Vancouver until 30th September 1968. He seeks to proceed under Regulation 2.

Approved

Robert Simpson MacLellan (B.A. St. Francis Xavier 1945; LL.B. Dalhousie 1948; called in Nova Scotia November 1948). The applicant was approved by the Admissions Committee under Regulation 2, January 1963, but did not proceed. He has since accepted appointment as Chairman of the Restrictive Trade Practices Commission, in Ottawa, administratively a part of the Federal Department of Consumer and Corporate Affairs reporting to the Minister. He remains a member in good standing of the Bar of Nova Scotia. He now seeks to proceed under Regulations 2 and 4.

Approved

Lloyd Francis Raphael (B.Sc. McGill University 1958; B.C.L. University of New Brunswick 1964) was called to the Bar in New Brunswick in 1964, where he practised until September 1965. While he was in practice he accepted an appointment to serve in a legal capacity in the Department of National Revenue and later transferred to the Department of Justice where he still practices. The applicant was allowed to write the transfer examinations in September 1968 subject to his application being approved by this Committee. He asks to proceed under Regulations 2 and 4.

Approved

OTHER CASES

David Arthur Gray (B.A. Saint Mary's University 1964; LL.B. Dalhousie University 1967). Mr. Gray has just completed the 1967-1968 programme towards Master of Laws Degree at the University of London, and has not received the results yet. He was called to the Bar in Nova Scotia on his return from London, 1st October, 1968. He seeks to proceed under Regulation 7 and to enter the present Bar Admission Course. He has entered into articles as of October 9th subject to the Committee's approval.

Your Committee recommends approval on the basis that he has had his holidays in September and that he be granted leave of absence for the first nine days of October.

UNITED KINGDOM SOLICITOR

Roy E. Marsh is an English solicitor practising in the Solicitor's Department of New Scotland Yard. He seeks to proceed under Regulation 8.

Approved

COMMONWEALTH TRANSFER

Ram Kishore Agrawal (B.Sc. University of Lucknow, India, 1956; LL.B. University of Lucknow, 1958) was admitted as an Advocate of the High Court of Judicature at Allahabad in 1959, where he remained in practice until 1966.

At its meeting in September 1968 your Committee recommended that he be informed he did not qualify to proceed under Regulation 10(b), as he was not in active practice immediately preceding his making application. Mr. Agrawal has asked permission to appear before the Committee today and for the Committee to reconsider his application. Mr. Agrawal attends.

Your Committee recommended he be informed the Committee's decision is unchanged.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law, Queen's University, ask to be called to the Bar and Admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Assistant Professor Marvin G. Baer
Assistant Professor John Hucker
Professor Ronald R. Price.

Approved

THE REPORT WAS ADOPTED

FINANCE COMMITTEE — Mr. Sheard

Your Committee met on Thursday, the 10th day of October, 1968, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), the Treasurer and Messrs. Fennell, Gray, Henderson, Pattillo, Pepper, Robins, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st September 1968 to the 30th September 1968 accounts, including Library Accounts, properly approved, to the amount of $30,448.13 have been paid.

Approved

FINANCIAL STATEMENT, 1st July to 30th September 1968

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 30th September, 1968.

Approved

ROLLS AND RECORDS

The Secretary reports that the following former members of the Law Society have died:

Willard Irwin Graff, Stratford	Called—10 April 1964 Deceased—12 September 1968
Robert Sutherland Joy, Q.C., Toronto	Called—20 September 1928 Deceased—25 September 1968

Noted

HONORARY LIFE MEMBERS

Pursuant to Rule 32, the following are eligible to become Honorary Life Members of the Law Society:

Name and Address	*Normal date of Call*	*Called*
Under Rule 32(a)		
Daly, Harold Mayne, Q.C., Ottawa	1918	28 June 1918
Hall, Howard Addison, Q.C., Toronto	1918	20 June 1918
Honsberger, Hugh Stanley, Q.C., Toronto	1918	18 April 1918
Lambier, Lorne Francis, Q.C., Hamilton	1918	12 Sept. 1918
Legris, Joseph Antoine, Q.C., Windsor	1918	17 Oct. 1918
Leonard, Thomas D'Arcy, Q.C., Toronto	1918	20 June 1918
Palen, Helen Beatrice, Q.C., Toronto	1918	17 Oct. 1918
Scandrett, Fred Raymond, Richmond Hill	1918	12 Sept. 1918
Under Rule 32(b)		
Best, Russell Maxwell, Q.C., Bracebridge	1918	17 June 1920
Breen, Frank Edward, Toronto	1918	21 Oct. 1920

Burden, John Macdonald, Q.C., Toronto	1918	20 May 1920
Burt, Arnon Wyles, Q.C., Toronto	1918	22 May 1919
Cameron, Hugh Clayton, Q.C., St. Thomas	1918	5 Febr. 1920
Ford, Harry Mills, Toronto	1918	22 May 1919
Gage, George Cameron, Q.C., Hamilton	1918	19 June 1919
Harstone, John Archibald, Peterborough	1918	20 March 1924
Jackson, Harold Menzie, Simcoe	1918	20 May 1920
Lees, William Kenneth, Q.C., Hamilton	1918	16 Jan. 1919
Menzies, Donald Bruce, London	1918	20 May 1920
McElderry, John Harris, Q.C., Guelph	1918	11 Sept. 1919
McKague, Ernest Victor, Q.C., Toronto	1918	20 May 1920
Orr, George Meredith, Q.C., Sarnia	1918	22 May 1919
Sommerville, William Ewart, Q.C., Toronto	1918	22 May 1919
Thomas, Redmond Morton Shannon, Q.C., Bracebridge	1918	6 Febr. 1919
Tutt, James, McIntosh, Brantford	1918	20 May 1920

Approved

REINSTATEMENT

John George Schnarr, London

At its meeting on the 8th February 1968 your Committee considered a request by Mr. Schnarr that he be reinstated.

Mr. Schnarr attended before the Committee.

Your Committee recommends that upon payment of his outstanding fees, Mr. Schnarr's practising certificate be issued.

Moved by Mr. Fennell, seconded by Mr. Pattillo, that the Legislation and Rules Committee be asked to consider the whole question of those who have been out of the practice of law for a substantial period of time being returned to practice. *Carried*

INVESTMENTS

General Account

$100,000.00 Ontario Hydro 2¾% bonds matured 1st October 1968. These funds have been invested in a Guaranteed Deposit Receipt at 6% — 30 days — due October 31st 1968.

Compensation Fund

$20,000.00 Government of Canada 5% 1968 — matured 1st October 1968. These funds have been invested in a Guaranteed Deposit Receipt at 6% — 30 days — due October 31st, 1968.

Marjorie F. Barlow Estate

$50,286.00 has been received from the National Trust Company. Pending a decision as to the disposition of this bequest, this amount has been invested in a Guaranteed Deposit Receipt for 62 days at 6% maturing on the 18th November 1968.

Approved

Sandwich West debentures — $5,000.00 — ¾% — 1980

The firm of Isard Robertson and Co. Limited have telephoned making a new offer to purchase these Debentures at $73.00.

Your Committee recommends that these debentures be sold at the price of $73.00, and that the proceeds be re-invested in Ontario Hydro 3½% bonds, 1979, at $74.50.

Your Committee further recommends that the Sub-Committee on Investments consider the Society's investment policy and make recommendations to this Committee.

BUILDING COMMITTEE

At the meeting of Convocation on June 7th 1968 the following Building Committee was appointed: The Treasurer, Chairman, and Messrs. Levinter, Robins, Sheard, R. F. Wilson, and on September 20th Mr. Common was added to the Committee. The Committee considers it desirable to be able to retain counsel to advise it. It, however, has no budget and accordingly requests the Finance Committee to authorize the necessary expenditure involved in retaining a solicitor to assist it in respect to a proposed agreement with the Provincial Government relating to space and renovations in Osgoode Hall.

Approved

SHIRLEY DENISON ESTATE

In 1951 Messrs. Cassels (Chairman), Common and Sedgwick were appointed a Special Committee in connection with the Shirley Denison Estate, and Mr. Gray was subsequently added to the Committee. It may be necessary for that Special Committee to retain a solicitor to advise it. It has no budget, and the Finance Committee is requested to make funds available to enable a solicitor to be retained to advise the Special Committee.

Approved

MARJORIE F. BARLOW ESTATE

In connection with the Will of the late Marjorie F. Barlow, it will likely be necessary for the Society to ask the discretion of the Court as to the disposition to be made of the income and capital involved. No special committee is charged with this matter, and the Finance Committee is asked to make funds available so that a solicitor can be retained.

Approved

BUILDING MAINTENANCE — *Power Service*

The main electric power service breaker has been blowing fuses plunging the building into darkness. This results from periodic temporary load excesses beyond the breaker's capacity. Mr. Heeney has investigated the matter and recommended a change to a different tripper in the existing breaker to handle the increased load. This would cost $400.00 plus $125.25 for labour and services. The Secretary instructed Mr. Heeney to proceed, and asks for the Committee's ratification.

Approved

ANNUAL MEETING

At the meeting of Convocation on the 20th September 1968 it was decided that an Annual Meeting of the Society should be held in Windsor on the 8th February 1969.

The question of the cost of the meeting is before the Committee.

Your Committee recommends that the Society pay the expenses of the meeting.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE — Mr. Gray

RULES RESPECTING ACCOUNTS — Rule 11(1)

At a recent hearing before your Committee, counsel for the solicitor concerned objected to a member of the Society's accounting staff giving evidence, inasmuch as he is not a public accountant as required by Rule 11 of the Rules Respecting Accounts, which reads as follows:

> "11. (1) The Benchers of the Law Society of Upper Canada or the Discipline Committee, acting either on their own motion or on written complaint lodged with them may at any time require an investigation to be made by a public

> accountant designated by the Benchers or the Discipline Committee of the books and accounts of any barrister and solicitor for the purpose of ascertaining and reporting whether these rules have been and are being complied with by him and he shall produce to such public accountant all such evidence, vouchers, records, books and papers as such public accountant may require for the purpose of such investigation . . ."

Counsel referred to The Public Accountancy Act, as amended in the Statutes of Ontario, 1961-1962, c. 113, p. 671, which defines a Public Accountant as a person "engaged in public practice".

Your Committee recommends that the words "public accountant" be deleted from Rule 11 and the word "person" substituted therefor.

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented a Statement of the Compensation Fund as of September 30, 1968.

THE REPORT WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE — Mr. Fennell

Your Committee met on the 10th day of October, 1968, at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Ford, Gray, MacKinnon, Maloney, Slemin and Strauss.

Your Committee dealt with a number of problems and necessary instructions were issued to the Secretary.

THE REPORT WAS RECEIVED

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on Thursday, the 10th of October 1968, the following members being present: Mr. Steele, Chairman, Mr. Ford, Vice-Chairman, and Messrs. Beament, Cassels, Clement, Harris, Maloney and Strauss.

GREAT LIBRARY

Accounts

Expenditures by the Great Library up to September 30th, 1968 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	3,313.65	558.78	22,228.87

Approved

Library Staff

A number of Library staff changes were reported to the Committee and noted.

Island of Montserrat, West Indies

At the request of Mr. Charles Sale, Q.C., a number of old texts were selected from surplus and exchange volumes on hand in the Great Library and forwarded to the Registrar of the High Court of Justice, Plymouth, Montserrat, West Indies. Mr. Sale advised that there were little or no legal materials of this kind in the High Court of Montserrat and that such a contribution would be greatly appreciated.

Noted

Book List

A list of books acquired recently is presented for approval.

Approved

REPORTING

Reprints of Ontario Weekly Notes

The Society has received from two publishing companies proposals for reprinting certain volumes of the Ontario Weekly Notes. This matter has stood pending the receipt of a legal opinion on the matter of copyright which has now been received. A Sub-Committee consisting of Messrs. Steele, Ford and Henderson has now been appointed to consider this matter further and to report back to the Committee.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Strauss

Your Committee met on Thursday, the 10th of October, 1968, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Henderson and Steele.

Two files in respect of the activities of two notaries public were referred to counsel for investigation and opinion as to whether proceedings should be instituted under Section 6 of the Solicitors Act.

Several other matters on the agenda were considered and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE — Mr. Henderson

Your Committee met on Thursday, the 10th day of October, 1968, the following members being present: Mr. Henderson, Chairman, and Messrs. Evans, O'Driscoll and Pepper.

FILM

The Committee has on several occasions considered commissioning a film about the profession for the purpose of acquainting students and the public generally with the profession's role in society. Crawley Films Limited have been interested in producing such a film. To give members of the Committee a better idea of what can be done for organizations by this medium a representative of the Company showed the Committee three films: the first on the Churchill Falls Power Development in Labrador, the second on Queen's University and the third on patents and trade marks. The members of the Committee were impressed by what they saw and will pursue the matter further with Crawley Films Limited, particularly the question of cost.

THE REPORT WAS ADOPTED

LEGAL AID PROGRAMME COMMITTEE — Mr. Callon

Your Committee met on Friday, the 11th day of October, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Cass, Common and Fairbairn.

NON-RESIDENT APPLICATIONS

At its September meeting your Committee reviewed the question of whether or not legal aid should be granted to Ontario residents for civil proceedings outside of the Province and to non-residents for civil proceedings within the Province.

The Director had prepared a memorandum which was forwarded to all members of the Committee outlining the present policy and asking the members to comment before the October meeting.

Your Committee had recommended that in civil matters, no certificate should be issued by the Provincial Director to a non-resident except with the approval of the Legal Aid Programme Committee.

Your Committee further recommends that all applications for certificates from Ontario residents who wish legal aid in civil proceedings outside of the Province should be referred by the Provincial Director to the Committee for its views.

Your Committee reviewed five applications from Ontario residents who wish legal aid assistance for civil proceedings outside of the Province. In each case, the Committee requested further information in order to consider further the applications.

The Committee reviewed seventeen applications from non-residents for legal aid assistance in civil proceedings within the Province. The Committee refused twelve of these applications and requested the Director to obtain further information with respect to the remainder.

PAYMENT OF COSTS: PART VI OF THE REGULATION

Your Committee considered correspondence from Edward O. Cougler, Solicitor, Galt, applying on behalf of his client, Beneficial Finance Company of Canada, for payment of costs in the amount of $276.00 awarded against Malcolm Mugford and Marie C. Sehl.

Mr. E. J. S. Martin, Solicitor, Preston, acted for the defendant. Mr. Martin wrote the Director on September 12th, 1968 setting out the financial position of Mrs. Sehl who acted as guarantor on a promissory note signed by her son-in-law, Malcolm Mugford, a bankrupt.

Your Committee refused the application, there being no real hardship indicated.

CANCELLATION OF CERTIFICATE

James B. Chadwick, Area Director, Carleton County, wrote the Director with respect to Hossein Akrouche who received a legal aid certificate on January 16th, 1968 for the purpose of annulment proceedings and agreed to make payments of $50 per month effective March 1st, 1968 for a total of $600. The payments have been kept up to date.

Mr. Walter Nash, Solicitor, Ottawa, accepted the certificate. Subsequently Mr. Nash accepted a Government appointment and left the active practice of law. The original certificate was withdrawn and a new certificate issued to the applicant was accepted by Michael E. Anka, Solicitor.

Mr. Anka advised the Area Director that he appeared on behalf of the applicant and was successful in having the action dismissed. He requested the Area Director to cancel the original payment agreement with the Law Society and to refund the money to his office. He stated that he would submit his Solicitor and Client account to his client directly.

Your Committee instructed the Director to inform the solicitor that he is bound by the certificate and must submit his account in accordance with the Legal Aid tariffs.

Meeting of Area Directors

The Chairman instructed the Director to call a meeting of the Area Directors for November 13th and 14th next, to be held at Osgoode Hall. The meetings will generally be in the nature of workshop sessions reviewing such matters as the issuance of certificates and establishing uniformity of practice.

The Director's Report

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

The Legal Accounts Officer's Report

(a) The Legal Accounts Officer submitted a report on statistics for the month of September, 1968 and preceding months.

(b) The Deputy Legal Accounts Officer presented a memorandum to the Committee commenting on payment to solicitors who request more than three remands.

Your Committee recommended that the Legal Accounts Officer adopt the policy of not paying for an appearance to a remand not at the request of the Crown, in excess of two in any one case.

The Controller's Report

The Controller submitted a report on monthly statistics for the month of August, 1968.

Sub-Committee on Collections

At its July meeting, your Committee appointed a Sub-Committee to consider suggestions for the improvement of procedures with respect to the collection of delinquent accounts from persons assisted by the Legal Aid Plan.

The report of the Sub-Committee on Collections was adopted.

PROPOSED AMENDMENTS TO THE LEGAL AID REGULATION

Mr. G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments, submitted to the Committee a proposed new Section 77 and a proposed new Section 78 of the Ontario Regulation /68.

Your Committee considered and approved the amendments and will re-submit them, together with other suggested amendments, to Convocation for its approval.

EXEMPTION FROM SECTION 68 OF THE REGULATION

Section 68 of the Regulation reads:

> "68. Except in those areas exempted from this section by the Legal Aid Committee and subject to section 69, no duty counsel, or any person associated with him in the practice of law, shall act in the same matter pursuant to a certificate for a person whom he has represented or advised as duty counsel."

The Area Director for the Counties of Stormont, Dundas and Glengarry, has requested that the town of Alexandria be exempted from Section 68 of the Regulation.

Your Committee approved the request.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committees for the following areas:

District of Algoma
Henry M. Lang, Q.C., Sault Ste. Marie
George W. Priddle, Solicitor, Sault Ste. Marie
David M. Norman, Solicitor, Sault Ste. Marie

Lambton County
Lyle F. Curran, Solicitor, Sarnia

Welland County
R. F. Girdlestone, Solicitor, Fort Erie

Halton County
John T. Armstrong, Georgetown, Insurance Agent
Harry Greenwood, Senior Probation Officer, Burlington
Ross Blaikie, Oakville

Resignations:

Algoma District

Judge John Hay McDonald (Judge Emeritus)
William C. Brown, Solicitor, Elliot Lake
C. T. Murphy, Q.C., Sault Ste. Marie

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE — Mr. Pattillo

Your Committee, consisting of Messrs. R. F. Wilson, B. J. MacKinnon and myself as Chairman, was appointed on March 8, 1967, by the then Treasurer to enquire into the matter of Barristers' and Solicitors' Errors and Omissions Insurance.

Since our appointment the Committee has had several meetings, exchanged correspondence with the Chairman of the National Committee of Insurance of The Canadian Bar Association, representatives of the County of York Law Association and representatives of the Bars of Alberta, Manitoba and Nova Scotia. In addition, your Committee has reviewed several proposals from insurers and held a meeting with members of the Canadian Bar Insurance Committee. We now wish to report the results of our investigations to date and our recommendations.

The Medical Protective Association is a voluntary association which any member of the medical profession is entitled to join on payment of an annual fee. No contract exists between the Association and the member but in the event that a member finds himself in difficulties because of alleged malpractice the Association investigates the circumstances and refers the matter to counsel. If counsel gives an opinion that there is no possible defence, the Association then negotiates the best settlement possible. If there is any possible defence in the opinion of counsel, the matter is fought at the expense of the Association. The Association contracts with an insurance company for coverage for an agreed aggregate annual amount. This coverage is for a fixed amount and in the event that the sums paid out in the year exceed the primary risk taken by the Association and the aggregate amount of insurance, the Association must respond. About 90% of the medical profession belong to the Association.

In addition to such a scheme as this it would be possible to insure directly on a group basis through an insurance company.

It would appear that in order to provide funds for a Legal Protective Association, or to obtain the lowest possible insurance rates, the question of making membership compulsory would have to receive serious consideration.

Moved by Mr. Robins, seconded by Mr. Strauss, that the matter stand until after the meeting of the Conference of Presidents of County and District Law Associations on November 1st, 1968. *Carried*

SPECIAL COMMITTEE ON CONFERENCE OF PRESIDENTS OF COUNTY AND DISTRICT LAW ASSOCIATIONS

Your Committee met on Thursday, the 10th day of October, 1968, the following members being present: Mr. Howland, Chairman, and Messrs. Cass, Gray, Henderson, Robins and Steele.

1. The Committee recommends the approval of the following agenda for the Conference with County and District Law Associations to be held in the Barristers' Lounge on Friday, the 1st of November, 1968:

Opening Remarks by the Treasurer.

1. Continuing Education
2. Errors and Omissions Insurance
3. Survey of the legal profession
4. Interest on Trust Accounts
5. The Law Society Act
6. Legal Aid
7. Law Society Gazette
8. Specialization
9. Other business.

2. Your Committee recommends that each member who is to attend the Conference be supplied with a copy of the agenda of the meeting, a copy of the Society's Report to the Conference of the Governing Bodies made in September of this year and a copy of the current draft of the new Law Society Act.

3. Your Committee recommends that the following attend the Conference: the Chairmen and Vice-Chairmen of Standing Committees, a representative from each of the County and District Law Associations and Messrs. R. J. Roberts, John Honsberger and Andrew Lawson.

THE REPORT WAS ADOPTED

Moved by Mr. Pattillo, seconded by Mr. Callon, that a copy of the Report of the Special Committee on Solicitors' Liability Insurance be included in the material to be distributed before the Conference to those who will attend. *Carried*

MOTION TO AMEND RULE 11

Moved by Mr. Sheard, seconded by Mr. Pattillo, that Rule 11 be amended by adding to section (3)(d) thereof the words — "including the report of the Legal Aid Programme Committee", so that the subsection will read:

> "(d) reports of standing committees including the report of the Legal Aid Programme Committeee."

Carried

REMEMBRANCE DAY SERVICE, November 8, 1968

Moved by Mr. Fennell, seconded by Mr. Martin, that Messrs. Cassels and Ford be appointed a Special Committee to make the necessary arrangements for the Remembrance Day Service on Friday, November 8, 1968, to be followed by a luncheon. *Carried*

CORRESPONDENCE

The Treasurer drew attention to the following correspondence:

Letter from Mrs. Henry Bull thanking the Treasurer and Benchers for their kindness and thoughtfulness at the time of the death of her husband.

Letter from Dean Smalley-Baker offering to present to the Law Society a portrait of himself painted in 1933 by Nestor Cambier, a Belgian artist.

LAW SOCIETY FOUNDATION

The Treasurer expressed the appreciation of Convocation to Mr. Arnup for accepting the Chairmanship of the Law Society

Foundation. Mr. Arnup reported on the steps which were being taken for the reorganization of the Foundation.

HONORARY CALL TO THE BAR

Mr. Pattillo, Chairman of the Admissions Committee, presented to the Treasurer and Benchers for Call to the Bar —

The Honourable John Napier Turner, P.C., Q.C.
Minister of Justice and Attorney General of Canada.

The Treasurer conferred upon Mr. Turner the degree of Barrister-at-law, and called him to the Bar of Ontario.

The Honourable Arthur A. Wishart, Q.C., Attorney General of Ontario, announced the appointment of the Honourable John Napier Turner as One of Her Majesty's Counsel Learned in the Law in Ontario, and presented him with his Patent.

CONVOCATION THEN ADJOURNED, and the Treasurer and Benchers proceeded in a body to Court Room No. 1, Osgoode Hall, where the Honourable John Napier Turner, P.C., Q.C. was presented to Chief Justice Gale, and was permitted to take the usual oath and to sign the rolls in the presence of the Court.

The Treasurer and Benchers entertained at luncheon The Honourable John N. Turner, P.C., Q.C., Minister of Justice, the Honourable G. A. Gale, Chief Justice of Ontario, the Honourable Dalton C. Wells, Chief Justice of the High Court, Chief Judge A. R. Willmott, Dr. Murray G. Ross, P. G. Furlong, Vice-President for Ontario, the Canadian Bar Association, Dean G. E. LeDain, A. M. Lawson, Director of Legal Aid, and the Honourable D. A. Lang.

CONVOCATION RESUMED at 2:30 p.m., a quorum being present.

The Treasurer, Benchers, their guests, and members of the Faculty of the Osgoode Hall Law School, in academic robes or hoods, then proceeded to Convocation Hall and took their places on the dais.

The body of the Hall was occupied by the graduating students, and scholarship and prize winners of the First and Second Years, their families and friends.

Mr. S. L. Robins, Q.C., Chairman of the Legal Education Committee, read the prayer.

CONFERRING OF DEGREES IN COURSE

At the request of the Chairman of the Legal Education Committee, the Treasurer conferred upon the following candidates the degree of Bachelor of Laws:

James Andrew Allan
Larry George De Koning
Patrick Thomas Way Dunn
Dhirendrakumar Manilal Nathwani
John Martin Rosen
Joseph Emele Sloniowski
Franklin Norman Williams

In absentia
Gus Emil Gonzales
John Gordon Martland
John Albert Stewart

PRESENTATION OF SCHOLARSHIPS AND PRIZES

The Treasurer then presented the scholarships and prizes won by the students of the First and Second Year classes in the session 1967-68 as follows:

FIRST YEAR AWARDS

The Law Society Scholarship for attaining First Place with Honours —Ronald Nairn Waterman

The Lawyers Club War Memorial Prize (shared) —Ronald Nairn Waterman

The Law Society Scholarship for attaining Second Place with Honours —Joel Shafer

The Lawyers Club War Memorial Prize (shared) —Joel Shafer

The Prize in Torts —Joel Shafer

The Samuel Factor Memorial Prize —Joel Shafer

The Canada Permanent Trust Company Prize —Joel Shafer

The Law Society Scholarship for attaining Third Place with Honours —James Alan Hodgson

The Lawyers Club War Memorial Prize (shared) —James Alan Hodgson
The Richard Halliburton Greer Prize —Ronald Lieberman
The Harry R. Rose Criminal Law Prize —Ronald Lieberman
The Prize in Judicial Process (shared) —Alvin Isenberg
The Prize in Judicial Process (shared) —Raymond Scott Wright

SECOND YEAR AWARDS

The Prize for attaining first place —Gordon Irwin Kirke
The Law Society Scholarship for attaining First Place with Honours —Gordon Irwin Kirke
The Kenneth Gibson Morden Memorial Prize —Gordon Irwin Kirke
The Reading Law Club Prize (shared) —Gordon Irwin Kirke
The Law Society Scholarship for attaining Second Place with Honours —Simon Ritchie Fodden
The Ivan Cleveland Rand Scholarship —Thomas Galbraith Bastedo
The William Bruce Henderson Prize —Barry Berge Papazian
The Reading Law Club Prize (shared) —Barry Berge Papazian
The Prize in Company Law (shared) —John Gibsone Armstrong
The Prize in Company Law (shared) —Michael Joseph Dube
The Prize in Family Law —Douglas Sydney Ewens

The Treasurer congratulated the new graduates and the scholarship and prize winners, and introduced the Honourable John N. Turner, P.C., Q.C., Minister of Justice, who addressed Convocation. He was thanked by the Treasurer.

CONVOCATION THEN ROSE.

At the conclusion of the ceremonies a reception for the graduates, and scholarship and prize winners, their families and friends, was held in the Barristers' Lounge, third floor, Osgoode Hall.

Read in Convocation and confirmed this 15th day of November 1968.

W. G. C. HOWLAND,
Treasurer

MINUTES OF CONVOCATION

Friday, 15th November 1968
10 a.m.

Present:

The Treasurer and Messrs. Beament, Bowlby, Cass, Cassels, Chappell, Chitty, Clement, Common, Estey, Evans, Fennell, Ford, Gray, H. E. Harris, W. E. Harris, Henderson, Levinter, Maloney, McCulloch, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Robins, Seymour, Sheard, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of the 18th October 1968 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins.

Your Committee met on Thursday, the 7th day of November, 1968, at 3:00 p.m., the following members being present: Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Callon, Sheard, Thom and R. F. Wilson.

— Bar Admission Course —

The S. J. Birnbaum, Q.C., Scholarships

At its meeting on 10th October, 1968, the Committee outlined the provisions of the Will of the late S. J. Birnbaum, Q.C., and reported that a cheque of the Canada Permanent Trust Company for $10,000.00 in favour of the Society had been received. The Committee recommended that the matter be referred to Mr. R. J. Roberts for his recommendations as to the Course or Courses in which Scholarships should be given. The Committee considered the report of Mr. Roberts.

Your Committee recommends that the income be used to provide three prizes to be awarded to the three standing highest in the written examination in Estate Planning in the proportion three, two and one.

THE ROLAND O. DALY SCHOLARSHIP

In 1965 Roland O. Daly, Esq., Q.C., gave $10,000.00 to the Law Society Foundation, the income to be used to provide a Scholarship for the student standing first in the second year in the Osgoode Hall Law School. Upon the affiliation of the Osgoode Hall Law School with York University Mr. Daly was asked if he wanted the capital transferred to York University and the Scholarship continued in the Osgoode Hall Law School of York University. He has suggested that the fund be used for the purpose of an annual award, for example, to the student having the highest standing in the Bar Admission Course. *Approved*

DATE FOR CALL TO THE BAR

A memorandum from the Director is before the Committee suggesting that the call to the Bar take place the evening of the 21st of March, 1969, or the afternoon of the 14th. He prefers the evening arrangement since this would leave more time for the preparation of examination results, the printing of programmes and completion of the necessary arrangements.

Your Committee recommends that the Call be in the evening of 21st March 1969 at O'Keefe Centre.

All of which is respectfully submitted.

7th November, 1968.

"B. J. MACKINNON"
Vice-Chairman

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom.

Your Committee met on Thursday, the 7th of November, 1968, at 2:30 p.m., the following members being present: Mr. S. D. Thom, Vice-Chairman in the Chair, and Messrs. Beament, Callon, MacKinnon, Sheard and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Transfers from Another Province

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now apply for call to the Bar and to be granted Certificates of Fitness:

Emerson James Arnett, Manitoba;
Allan Stephen Blott, Saskatchewan;
Robert Frederick Lindsay, Nova Scotia;
Adi Nusserwanji Majaina, Saskatchewan;
Lloyd Francis Raphael, New Brunswick.

Special

Marvin Gary Baer—Special (Faculty of Law) Queen's University. Fee $200.00.

Kenneth Allan Hinnegan—Special (Faculty of Law) University of Western Ontario. Fee $200.00.

John Sidney Hucker—Special (Faculty of Law) Queen's University. Fee $200.00.

Ronald Ralph Price—Special (Faculty of Law) Queen's University. Fee $200.00. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Nine candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1968:

Approved

DIRECT TRANSFER

Richard Derek Broughton was called to the Bar in London, England in 1944; and was called and admitted in British Columbia in 1956. He was called and admitted in Alberta in 1961. He is a member in good standing of the Law Society of Alberta, and has practised continuously in the Town of Ponoka from August 1962 to the present. He seeks to proceed under Regulation 2.

Approved

COMMONWEALTH TRANSFERS

Graeme Hughes (LL.B. Sydney University, Australia, 1960) was admitted as a solicitor in New South Wales and practised for a few years before being admitted to the Bar in New South Wales in February 1965. He has continued in active practice from then until coming to Canada in October 1968. He seeks to proceed under Regulation 9.

Approved

Jesse John Malik (B.Sc. University of the Punjab, Lahore, 1958; LL.B. Punjab 1960), was enrolled as pleader with the High Court of West Pakistan, Lahore in 1960 and practised as a lawyer in Rawalpindi until April 1963, and then in Gujranwala, West Pakistan until August 1968. He was elected Joint-Secretary of the Gujranwala Bar Association for the year 1968-1969. He seeks to proceed under Regulation 10(b).
Approved

Full-Time Members of the Faculty of Approved Law Schools

The following member of the Faculty of Law, University of Toronto, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Assistant Professor D. L. Johnston.

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE — Mr. Sheard

Your Committee met on Thursday, the 7th November 1968, the following members being present: Mr. Sheard, Chairman, Mr. Beament, Vice-Chairman, and Messrs. Fennell, Levinter, Pepper, Thom and R. F. Wilson.

Accounts

The Secretary reports that from the 1st October 1968 to the 31st October 1968 accounts, including Library Accounts, properly approved, to the amount of $83,623.16 have been paid.
Approved

Financial Statement, 1st July to 31st October 1968

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st October 1968.
Approved

Investments — *General Account*

Sold $5,000.00 Sandwich West Debentures @ 73.00 — $3,648.50

Purchased — \$5,000.00, 1979, 3½% Ontario Hydro @ \$74 — \$3,704.79.

Approved

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE — Mr. Fennell

Your Committee met on the 7th day of November, 1968, at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Callon, Evans, Gray, MacKinnon, Maloney, O'Driscoll and Strauss.

Your Committee on two occasions in recent months has been asked for advice by solicitors with respect to what should be done with money in their trust accounts when the whereabouts of the clients concerned is unknown. Your Committee instructed the Secretary to write to the lawyers concerned suggesting that consideration be given to paying the money into Court under the provisions of Section 36 Subsection (1) of the Trustee Act having in mind the definition of the word 'trust' as set out in Section 1, Subsection (q) of that Act.

Your Committee considered a letter from the Director of the Department of Financial and Commercial Affairs, Registration and Examination Branch, relating to the appointment of a Law Clerk in a law office as a bailiff. The Director acknowledged that the Society had no direct jurisdiction over the employees of its members. He was of the view however, that lawyers as employers have the right to hire and fire and would be guided in their employment practices by any opinion that the Law Society might have. The Committee recognizes that the Society has made no Ruling on this type of situation however, as is pointed out in Ruling 1 of the Rules of Professional Conduct Canon of Ethics, "it is not possible to frame a set of Rules which will particularize all the duties of the lawyer in all the varied relations of his professional life, and no attempt has been made to do so. The following Canons of Ethics should therefore be construed as a general guide and not as a denial of the existence of other duties equally imperative though not specifically mentioned."

The Committee considered this matter and was of the opinion that it is not desirable to have a bailiff as an employee of a law firm. The Secretary has been instructed to advise the Director accordingly.

Your Committee has been asked for an opinion by an Assistant City Solicitor. He and his fellow solicitors employed by a Municipal Corporation have been invited to join an association for the administrative and supervisory group of the employees of the City in which their classifications are included. It would appear that this Association would represent its membership in any bargaining proceedings with the City. He is concerned whether membership in such an Association might violate any Rule, Regulation or other requirements of the Society.

Your Committee recommends the appointment of a Sub-Committee composed of Messrs. Evans and Pepper to consider all aspects of the solicitors' membership in the Association.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on Thursday, the 7th of November 1968, the following members being present: Mr. Strauss, Acting Chairman, Messrs. Cassels and Clement, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to October 31st, 1968 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	4,636.00	1,282.85	30,065.46

Approved

BOOK LIST

A list of books acquired recently is presented for approval.

Approved

COUNTY AND DISTRICT LAW LIBRARIES ANNUAL SCHEDULE, 1968

A list of the County Law Associations prepared by the Chief Librarian and setting out various particulars based on their Returns for the year 1967, was received and noted by your Committee.

Your Committee composed of Mr. Steele (Chairman), Mr. Ford (Vice-Chairman), and Messrs. Cassels, Maloney, Strauss and Weir, has now considered the Report of its Sub-Committee on the Reprints of the Ontario Weekly Notes. This Sub-Committee, consisting of Messrs. Steele, Ford and Henderson, met on Wednesday, the 13th day of November 1968.

The Committee recommends the adoption of the Report of this Sub-Committee as follows:

> "That the Law Society accept the proposal of The Carswell Company Limited to reprint the volumes of the Ontario Weekly Notes on the terms and conditions in their letter to the Law Society dated 5th September 1968 (attached hereto), that for the purposes of these reprints the Society license The Carswell Company Limited in relation to such copyright as the Society may hold in respect of such works but that the Society not warrant that it holds the copyright in all of the works. This Sub-Committee understands that The Carswell Company Limited are aware of this aspect of the matter and are prepared to deal with it on their own terms. In the event that any copyright enures from this reprinting, then such copyright shall vest in the Law Society. Your Sub-Committee recommends that The Carswell Company Limited be written to in the above terms."

THE REPORTS WERE ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Strauss

Your Committee met on Thursday, the 7th day of November, 1968, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Clement and Fennell.

A further file on the activities of a Notary Public has been referred to Counsel for an opinion as to whether an Information should be laid under Section 6 of the Solicitors Act. This brings to five the number of files currently under investigation by your Committee.

A number of other matters were discussed and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE — Mr. Beament

Your Committee met on Wednesday, the 6th day of November, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Common, Levinter and O'Driscoll.

SUB-COMMITTEE ON REMANDS IN CRIMINAL PROSECUTIONS

Your Committee reviewed the report of the Sub-Committee on Remands in Criminal Prosecutions dated October 25th, 1968, submitted by John D. Bowlby, Q.C., Chairman. The Report was as follows:—

The *Sub-Committee on Remands in Criminal Prosecutions* met on Friday, the 25th day of October, 1968, the following members being present: Mr. John D. Bowlby, Q.C., Chairman and Messrs. Caldbick, Common and Martin.

At its June meeting, the Legal Aid Programme Committee appointed a sub-committee to investigate complaints which had been voiced by police, court and jail officials, that lawyers taking legal aid cases were asking for excessive remands. The sub-committee was appointed to investigate the allegation. As a result of its meeting, the sub-committee recommends the following solutions:

1. that a lawyer only be able to charge for one remand asked for on behalf of the defence;
2. that a lawyer may ask for payment for further adjournments if such adjournments are asked for by the Crown and if it was necessary for the lawyer to attend at court at the time such adjournment was requested;
3. that no payment will be made for any adjournment if it was necessary for the lawyer to attend at court on a matter other than the charge for which the adjournment is asked;
4. that appropriate amendments be made to the Legal Aid Regulation to reflect the sub-committee's recommendations.

The Report was adopted.

SECTION 121 OF THE LEGAL AID REGULATION

At its May meeting, the Committee instructed the Director to retain Austin M. Cooper, Q.C., as counsel, to give an opinion with respect to Section 121 of the Legal Aid Regulation. Section 121 reads as follows:

“NON-DISCLOSURE OF INFORMATION

121. Subject to the provisions of this Regulation no information furnished to the Law Society or a committee thereof, the Director, an area director, area committee, welfare officer or other person in connection with any matter or proceeding to which the Act or this Regulation applies shall be disclosed other than for the purpose of facilitating the proper performance by any person or committee of functions under the Act or this Regulation”.

Your Committee requested counsel's opinion specifically on the following points:

Question 1. Does a solicitor and client relationship exist between employees of the Legal Aid Plan and applicants seeking Legal Aid?

Answer It was the opinion of counsel that no solicitor and client relationship exists between the Director, the Area Director or other employees of the Legal Aid Plan and applicants seeking Legal Aid.

Question 2. What effect does Section 121 of the Regulation have on privilege as it relates to disclosures made by legal aid applicants?

Answer It was the opinion of counsel that there is no privilege protecting communications made by applicants for Legal Aid to the Director, Area Director or other employees of the Legal Aid Plan.

Question 3. What is the effect of Section 121 if a subpoena is served on an Area Director or other employees of the Legal Aid Plan?

Answer It was the opinion of counsel that Section 121 would not exclude an Area Director or other employees of the Plan from having to give the required testimony.

Your Committee has recommended that the Sub-Committee on Amendments to the Act and Regulation prepare the necessary amendments, so that disclosures made by Legal Aid applicants to employees of the Plan are privileged communications.

Payment of Costs

Part VI of the Regulation

Your Committee reviewed correspondence from Martin I. Silver, Solicitor, acting under a legal aid certificate, applying on behalf of his client, Giovanni Provenzano, for payment of costs in the amount of $1,121.00 awarded against him in an action where he was found responsible and liable for the costs of his co-defendants, Cesidio and Bonafacio Mosca.

The Committee moved that the application on behalf of Giovanni Provenzano for payment of the costs awarded against him in favour of his co-defendants, Cesidio and Bonafacio Mosca, be refused, pursuant to Section 114 of the Legal Aid Regulation, there being no real hardship indicated.

SECTION 26 OF THE REGULATION

Section 26 of the Legal Aid Regulation reads:

> "26. Applications under Section 25 may be submitted to the area director of any area in which the solicitor maintains an office or in which he has an established practice."

Paul D. Gagne, Solicitor, Ottawa, wrote the Director requesting that his name and that of his partner, Jean Pierre Gascon, be entered on the Legal Aid Panels for the Counties of Prescott and Russell.

The solicitor reported that their office is situated approximately four miles from the boundaries of the counties of Prescott and Russell and that they have an established practice in the said counties.

The Area Director wrote the Director asking whether it was necessary for Messrs. Gagne and Gascon to have an office in the counties of Prescott and Russell before they could, in fact, be entered on the Legal Aid Panels.

Your Committee was of the opinion that the words "established practice" as set out in Section 26 of the Regulation do not make it necessary for a solicitor to have an office in the area or district when applying to be entered on a Legal Aid Panel under this section.

SUB-COMMITTEE ON AMENDMENTS TO THE ACT AND REGULATION

The Sub-Committee on Amendments to the Legal Aid Act and Regulation submitted some thirty proposed amendments to your Committee.

These amendments will be reviewed by a Special Convocation to be held on November 21st, 1968.

THE DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

THE LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report on statistics for the current month and preceding months.

THE CONTROLLER'S REPORT

The Controller submitted a report on monthly statistics for the six months ended September 30th, 1968.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Legal Aid Committee for the following area:

District of Muskoka
Donald Fink, Bracebridge, Probation Officer

Resignations:

District of Rainy River
Ivan Johnson, Solicitor.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON ACTIVITIES OF STUDENTS-AT-LAW — Mr. MacKinnon

Your Special Committee on Students-at-law had its final meeting on the 7th day of November, 1968, with your Chairman, B. J. MacKinnon, in the chair, no other members of the Committee being present. Mr. Levinter was co-opted as an ad hoc member. A full report was made to the June Convocation. So far as the Masters are concerned, they are prepared to accept and to work with the proposals. Accordingly we propose that after our new legislation comes into force, a regulation covering students-at-law activities in the litigation field be enacted along the following lines:

That articled students-at-law be permitted to appear, subject to their principal's discretion and control, in the following matters:—

(i) On ex parte and consent matters in Chambers in the Supreme Court of Ontario, and in the Bankruptcy Court.

(ii) On contested motions, consent and ex parte matters before the Masters and Registrars of the Supreme Court and Bankruptcy Court, including taxation of costs.

(iii) On contested Chambers motions, consent and ex parte matters, before the County Court and Surrogate Court, (including the passing of accounts) and before the Registrars of those Courts.

(iv) On examinations for discovery, and cross-examination of judgment debtors.

(v) On juvenile and Family Court matters.

(vi) On proceedings before administrative tribunals.

(vii) On all summary conviction matters in the Court of first instance, on remands in indictable offences, and on bail applications.

This proposal, of course, is made in light of our statement in the June report that the ultimate responsibility is that of the principal, and that whether the area of responsibility in the particular matter at the particular time is one for the particular student will depend entirely on the principal's assessment of both the matter and the student.

In addition, in order to carry the proposals to their logical conclusion, it is recommended that the Rules Committee be requested to propose an amendment to tariffs A and B, to the effect that the fees to be allowed where students-at-law may appear in accordance with the regulations of the Law Society of Upper Canada, are to be 50% of the solicitors tariff.

It is also suggested that a recommendation should be made to the Attorney-General to have S. 104 of the Division Courts Act amended to allow for a Counsel fee to articled students-at-law in cases over $200.00. Such fee is now limited to Solicitors and Barristers.

So far as Law Clerks are concerned, the only matter which awaits completion is a draft syllabus which we could present and recommend to Community Colleges who are anxious to commence courses for the training of Law Clerks. Mr. Roberts is presently working on that syllabus, we having secured some suggestions from the existing association of Law Clerks, and having made suggestions ourselves. We hope to have this syllabus available for the next regular meeting of Convocation.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Emerson James Arnett — Transfer — Manitoba
Allan Stephen Blott — Transfer — Saskatchewan
Robert Frederick Lindsay — Transfer — Nova Scotia
Adi Nusserwanji Majaina — Transfer — Saskatchewan
Lloyd Francis Raphael — Transfer — New Brunswick
Marvin Gary Baer — Special — Professor, Faculty of Law, Queen's University
Kenneth Allan Hinnegan — Special — Professor, Faculty of Law, University of Western Ontario
John Sidney Hucker — Special — Professor, Faculty of Law, Queen's University
Ronald Ralph Price — Special — Professor, Faculty of Law, Queen's University.

DISCIPLINE COMMITTEE — Mr. Gray

Re: George Maurice Bleakney, Ottawa

Mr. Gray drew to the attention of Convocation that he had two Reports from the Committee dealing with the same solicitor and asked if they were to be dealt with together. The solicitor's counsel, Mr. J. E. Eberle, Q.C., attended Convocation and was asked if the two Reports could be read and dealt with together, and he agreed.

A Notice of Complaint was served upon the solicitor, returnable before your Committee on April 11th 1967 at 10:30 o'clock in the forenoon. It contained the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you have not replied to letters from the Law Society of Upper Canada in connection with complaint against your professional conduct."

Your Committee met at the appointed time, the following members being present: Mr. Gordon Ford, Chairman, and Messrs. Common and Williston. The solicitor attended without counsel.

After considering the evidence before it, your Committee finds the specific complaint to be established, and recommends that the solicitor be suspended from practice for a period of three months and that he be required to pay the costs of the Society's investigation.

In the course of the hearing on the 11th of April 1967 with respect to a Notice of Complaint against the solicitor for failure to reply to letters from the Society, the solicitor testified that he did not have a trust account. Subsequent to the hearing of this complaint on the 11th of April 1967, Messrs. Arthur A. Crawley & Co. were instructed to examine the solicitor's professional records and, based on their report, a further Notice of Complaint was served upon him, returnable before your Committee on January 23rd 1968 at 10:30 a.m. It contained the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that during the years 1965, 1966 and January to June, 1967 inclusive, you have failed to keep proper books and records and accounts as required by Rules 7 and 8 of the Rules Respecting Accounts."

Your Committee met at the appointed time, the following members being present: Mr. Gordon Ford, Chairman, and Messrs. Common and Williston. The solicitor did not attend, but was represented by Mr. F. H. Zemans. Counsel requested an adjournment which was granted to the 12th of February 1968 at 10:30 o'clock in the forenoon. No evidence was taken.

The hearing was subsequently further adjourned, by mutual agreement, to March 18th 1968 at 10:00 o'clock in the forenoon. Your Committee was composed of Mr. Gordon Ford, Chairman, and Messrs. Common and MacKinnon. The solicitor attended with his counsel, Mr. J. E. Eberle, Q.C. Counsel consented to Mr. MacKinnon joining the Committee, it being mutually agreed that the matters involved in this hearing would be treated separately from those forming part of the Notice of complaint considered on the 11th of April 1967.

Upon the evidence before it, your Committee finds the specific complaint, as admitted, to be established. Your Committee recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published in the Ontario Reports and that he be required to pay the costs of the Society's investigation.

Mr. Eberle tendered medical evidence and made submissions. He asked that as a result of both Reports the punishment should not be more severe than a reprimand in Convocation without publication.

Moved by Mr. Cass, seconded by Mr. Maloney, that the Reports be amended by substituting for the recommended punishments a reprimand in Convocation with publication and payment of costs. *Carried*

The Report as amended was adopted.

The solicitor returned and was told of Convocation's decision. He was then reprimanded by the Treasurer.

Re: Thomas Ambrose O'Flaherty, Kenora

The solicitor failed to file his auditor's reports with the Society for the twelve-month periods ending November 30th 1966 and November 30th 1967 and accordingly Messrs. Clarkson, Gordon & Co. were instructed to make an investigation of the solicitor's professional books and records. Based on their report, dated April 17th 1968, Notice of Complaint was issued, returnable before your Committee the 3rd day of July 1968 at 10:30 o'clock in the forenoon. It contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Prior to the years 1965, failed to maintain books, records and accounts in connection with your practice in accordance with Rules 7 and 8 of the Rules Respecting Accounts;
> 2. Contrary to Rule 9 of the Rules Respecting Accounts did not, on or before the 30th day of November 1966, file with the Society either a report duly completed by a public accountant and signed by you in the prescribed form or a statutory declaration as provided by the Rule;
> 3. Contrary to Rule 9 of the Rules Respecting Accounts did not, on or before the 30th day of November 1967, file with the Society either a report duly completed by a public accountant and signed by you in the prescribed form or a statutory declaration as provided by the Rule;
> 4. Having obtained from a Chartered Accountant a report for the twelve-month period ending October 31st 1965, for the purpose of submission to the Law Society in compliance with the provisions of Rule 9 of the Rules Respecting Accounts, did alter or cause to be altered the said report before submitting the same to the Society

> without the knowledge or consent of the said Chartered Accountant."

Your Committee met at the appointed time, the following members being present: Mr. Gordon Ford, Chairman, and Messrs. Bull and Maloney. The solicitor did not attend but was represented by counsel, Mr. J. Douglas Crane, who sought an adjournment, as he had just been retained. The matter was adjourned to July 23rd 1968 at 10:30 a.m. Counsel was advised that, if the solicitor would agree to having his trust account cheques co-signed by counsel or a member of counsel's firm, the hearing would, on the 23rd of July, be further adjourned to a date in September. No evidence was taken.

On the 23rd of July your Committee was composed of Mr. Gordon Ford, Chairman, and Messrs. Bull and Chappell. Counsel attended for the solicitor. Due to the postal strike, the solicitor's accountants, located in Kenora, had assumed the responsibility for co-signing the solicitor's trust account cheques. Your Committee was satisfied with this arrangement. The hearing was adjourned to Monday the 16th of September 1968 at 10:00 a.m. No evidence was taken.

On the appointed day your Committee met, composed of Mr. Isadore Levinter, Chairman, and Messrs. Ford, Williston and P. W. Wilson. The solicitor was present with his counsel, Mr. Crane. Mr. Ian Scott attended for the Society.

Upon the evidence before it, your Committee finds the specific complaints to be established and recommends that the solicitor be suspended from practice for a period of three months and that he be required to pay the costs of the Society's investigation.

The solicitor attended with his counsel, Mr. J. D. Crane, who said he had no submissions to make.

Moved by Mr. Fennell, seconded by Mr. Bowlby, that the Report be amended by substituting for the recommended punishment a reprimand in Convocation with publication and payment of costs; and that if the solicitor requests it he be allowed time for payment of costs.

The motion was lost.

Moved by Mr. Cass, seconded by Mr. Campbell, that the amount of the costs be set out in the publication of the suspension. *Carried*

The Report as amended was adopted.

It was accordingly ordered:

1. THAT the Report of the Discipline Committee in the matter of THOMAS AMBROSE O'FLAHERTY, Barrister,

a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted as amended.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said THOMAS AMBROSE O'FLAHERTY guilty of professional misconduct and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said THOMAS AMBROSE O'FLAHERTY be suspended from practice as a Barrister and Solicitor for the period of three months from the 15th day of November 1968, and required to pay the Society's costs in the amount of $3,182.52.

Re: Michael Cameron Keon and George Arthur Marron, Owen Sound

Mr. O'Brien retired and took no part in the proceedings, and did not vote:

The solicitors in this matter are partners practising in Owen Sound. As a result of qualifications noted on the 1967 Schedule "A" return of both solicitors, the Society's Accountant was instructed to make an inspection of their books and records. As a result of this inspection, separate Notices of Complaint were served on the 20th day of June 1968 upon each solicitor by registered mail in accordance with the Rules containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Contrary to Rule 3 of the Rules Respecting Accounts have permitted various of your clients' trust accounts to become overdrawn and have drawn money from your trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;
> 2. Contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain or cause to be maintained at all times, and particularly in the month of March 1968, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds.

3. Submitted to the Law Society reports of a public accountant for the twelve-month periods ending October 31st 1965, September 30th 1966 and September 30th 1967 respectively, when you knew or should have known that the said reports were inaccurate."

A fourth charge contained in the Notice of Complaint issued against Mr. Arthur Marron stated as follows:

"4. Contrary to Ruling 14 of the Rules of Professional Conduct, in or about the month of July 1965 borrowed the sum of $2,500.00, more or less, from your client Harold Clarke without assuring that he had independent legal advice."

Mr. Keon's Notice of Complaint was made returnable on the 4th day of July 1968 at 10:30 a.m. Mr. Marron's Notice of Complaint was made returnable on the 9th day of July 1968 at 10:30 a.m. Your Committee met at the appointed time on the 4th day of July 1968, the following members being present: Mr. Williston, Chairman, and Messrs. McCulloch, Seymour, Strauss and Thom. Both solicitors appeared on this date with their counsel who admitted on their behalf service of the respective Notices of Complaint. The matter of procedure was then discussed and it was subsequently agreed by all parties that both Notices of Complaint should be heard at the same time. The hearing in respect of both Notices was then fixed to resume on Wednesday, the 31st day of July 1968 at 10:00 o'clock in the forenoon.

On the 31st day of July 1968 your Committee met at the appointed time, the following members being present: Mr. McCulloch, Chairman, and Messrs. Seymour, Strauss, Thom and Chappell. Mr. Chappell subsequently withdrew himself from the Committee and this fact was noted on the record. Mr. Chappell took no part in the Committee's findings. Messrs. Marron and Keon attended with their counsel who were respectively Mr. J. E. Eberle and Mr. D. M. McKerroll. Mr. James W. McCutcheon appeared as counsel for the Society.

CONVOCATION ADJOURNED for lunch at 12:45 p.m.

CONVOCATION RESUMED at 2:20 p.m., the following members being present: The Treasurer and Messrs. Beament, Bowlby, Cass, Clement, Common, Estey, Evans, Fennell, Ford, Gray, H. E. Harris, W. E. Harris, Henderson, Maloney, McCulloch, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Seymour, Sheard, Steele, Strauss, Thom and R. F. Wilson.

Mr. Gray continued reading the Report.

Mr. Fennell retired from the meeting.

Upon the evidence before it your Committee finds the following Complaints to be established: In the case of Mr. Marron — Complaints numbers 1, 2, 3 and 4; in the case of Mr. Keon — Complaint number 2 and the second part only of 1 but without the same degree of culpability as in the case of Mr. Marron.

Your Committee was impressed with the character evidence received and the circumstances surrounding this matter. However, your Committee feels obliged at this stage at any rate to make the following recommendations:

(1) That Mr. G. Arthur Marron be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada;

(2) That Mr. Michael C. Keon be reprimanded in Convocation and that he be required to pay one-half of the costs of the Society's investigation in respect of both solicitors. Your Committee further recommends that the fact of the reprimand of Mr. Keon be published in the *Ontario Reports*.

Mr. Eberle, on behalf of Mr. Marron, made submissions and asked that for the penalty recommended in the Report, be substituted a reprimand in Convocation, or alternatively that Mr. Marron be allowed to resign his membership in the Society.

Mr. McKerrow, on behalf of Mr. Keon, made submissions.

Moved by Mr. W. E. Harris, seconded by Mr. Cass, that Mr. Marron be allowed to resign his membership in the Society instead of being disbarred, but that the rest of the Committee's recommendations be adopted.

The motion was lost.

The Report was adopted.

Mr. Keon returned and was reprimanded by the Treasurer.

It was accordingly ordered:

1. THAT the Report of the Discipline Committee in the matter of GEORGE ARTHUR MARRON, Barrister, a member of this Society and a solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said GEORGE ARTHUR MARRON guilty of professional misconduct, and of conduct unbecoming a Barrister and

Solicitor in respect of the charges dealt with by the said Report.

3. THAT the said GEORGE ARTHUR MARRON be disbarred.
4. THAT the said GEORGE ARTHUR MARRON is unworthy to practise as a Solicitor.

Mr. Marron was advised of Convocation's action.

The monthly Financial Report respecting the Compensation Fund, and respecting outstanding claims and Notices of Complaint, was received.

THE LAW SOCIETY ACT

Mr. R. F. Wilson put before Convocation the 11th draft of The Law Society Act. Convocation approved the draft and ordered that the draft be printed and a copy delivered to the Attorney General, and also that a copy be sent to each member of the profession.

SPECIAL COMMITTEE ON CONFERENCE OF PRESIDENTS OF COUNTY AND DISTRICT LAW ASSOCIATIONS—The Treasurer

On Friday, the 1st of November, 1968 the Chairmen and Vice-Chairmen of the Standing Committees, including the Legal Aid Programme Committee, together with the Chairmen of the Special Committee on Errors and Omissions Insurance, Special Committee on Interest on Trust Accounts, Special Committee on Law Society Gazette, Special Committee on Specialization in the Practice of Law and the Special Committee on Planning met with the Presidents or other representatives of the County and District Law Associations. There were present: The Treasurer, W. G. C. Howland, J. D. Arnup, G. E. Beament, J. D. Bowlby, T. P. Callon, Hamilton Cassels, R. M. W. Chitty, F. J. L. Evans, S. E. Fennell, G. W. Ford, E. A. Goodman, W. G. Gray, G. F. Henderson, B. J. MacKinnon, J. G. J. O'Driscoll, A. S. Pattillo, P. B. C. Pepper, S. L. Robins, Terence Sheard, R. D. Steele, Nathan Strauss, S. D. Thom, W. B. Williston, R. F. Wilson.

John Honsberger, Editor, Law Society Gazette;
Andrew Lawson, Director, Ontario Legal Aid Plan;
R. J. Roberts, Director, Bar Admission Course;
W. R. Artindale, Waterloo Law Association;
J. Douglas Bernstein, Cochrane Law Association;
G. F. Brooks, Welland Law Association;
Paul B. Burnett, Essex Law Association;
W. J. Cauley, Norfolk Law Association;
John Christensen, Muskoka Law Association;
John C. Clarke, Carleton Law Association;
B. R. Collins, Hastings & Prince Edward Law Association;
Edward J. Conroy, Sudbury Law Association;
James Daly, Peterborough Law Association;
John R. Dufton, Elgin Law Association;
Thos. G. Farmer, Nipissing Law Association;
Claude Fitzgibbon, Northumberland & Durham Law Ass'n;
Alex M. Forbes, Simcoe Law Association;
K. A. Foulds, York Law Association;
A. B. Henderson, Leeds & Grenville Law Association;
E. D. Hickey, Hamilton Law Association;
W. F. Higgins, Lambton Law Association;
W. A. Hillman, Ontario Law Association;
D. G. Kerr, Kent Law Association;
V. C. King, Kenora Law Association;
Wm. C. Lawrence, Peel Law Association;
A. L. McKenzie, Middlesex Law Association;
D. M. McKerroll, Grey Law Association;
G. R. McLennan, Lanark Law Association;
P. K. McWilliams, Halton Law Association;
R. E. Mountain, Perth Law Association;
A. B. Patterson, Lindsay Law Association;
W. M. Prest, Huron Law Association;
W. R. Ramsay, Temiskaming Law Association;
Joseph L. Reid, Lincoln Law Association;
A. B. Smith, Frontenac Law Association;
G. A. Stiles, Stormont, Dundas & Glengarry Law Ass'n;
R. S. Stortini, Sault Ste. Marie Law Association;
R. L. Treleaven, Oxford Law Association;
B. B. Tremblay, Thunder Bay Law Association;
J. D. Waechter, Bruce Law Association;
J. J. Wardlaw, Dufferin Law Association;
J. M. Wiacek, Brant Law Association;
J. D. Wilson, Wellington Law Association.

The Treasurer welcomed the representatives of the various County and District Law Associations and explained that the reason for the meeting was to improve still further the communications between the Society and its members and to supplement the information that can be conveyed through the Minutes of Convocation and the Treasurer's report in the Law Society Gazette. He stressed the importance of there being a free and effective channel through which information can flow from all parts of the profession to the Benchers.

1. CONTINUING EDUCATION

Mr. Sydney Robins, Chairman of the Legal Education Committee, said that the next series of regular Continuing Education lectures would be on the subject "Defending a Criminal Case". He said that in conjunction with the Bar Admission Course, Continuing Education for the profession will expand considerably and that the lectures recently given in Toronto, London, Ottawa and Sault Ste. Marie were a pilot project and indicate the trend in future Continuing Education programmes. He asked the profession to say what type of programme they wanted and what subjects they thought should be covered. He announced that there is an opening for a full-time Deputy to the Director of the Bar Admission Course to share responsibility for Continuing Education.

The Treasurer asked the meeting whether the bulletin prepared by Mr. Peter Cory and distributed to the York County Association members would be useful if distributed to all members of the profession. A general discussion followed from which it appeared that the meeting favoured continuing the present lectures, the institution of one-day seminars periodically on special subjects along the lines of the lectures on the new Divorce Act and bulletins to all members giving notice of recent changes in legislation both Federal and Provincial, at least annually and preferably more frequently. Mr. Roberts told the meeting that consideration is being given to the use of taped lectures as a teaching aid in the Bar Admission Course. Such tapes might be distributed to local Associations or perhaps made available in cassette form, which individual members could borrow as they would borrow a book from the library.

2. ERRORS AND OMISSIONS INSURANCE

Mr. Pattillo, Chairman of the Special Committee on Errors and Omissions Insurance, explained some of the possible solutions to the problem of the increase in the cost of liability insurance for lawyers and raised a number of questions to which answers must be sought before his Committee can recommend a specific solution.

The general view of the meeting was that insurance should be carried for the benefit of both the client and the lawyer.

Those present were practically unanimous that the profession should seek to institute a protective association somewhat like the medical protective association, and that it should be made compulsory. They were unanimous that the Law Society should make the arrangements.

3. Survey of the Legal Profession

Mr. Fennell, Chairman of the Special Committee on Planning, told the meeting that the Society has met with Dr. Cicely Watson of the Ontario Institute for Studies and Education to find out whether a survey could predict the numbers of lawyers that will be needed in Ontario in the years to come. He asked the meeting whether a critical shortage of lawyers exists in the smaller communities explaining that it is difficult to assess the supply since some demands have been made from places too small to support a lawyer and that this tends to give a false picture of the real need. He said that according to Dr. Watson an accurate survey of the present position would take at least a year and cost about $50,000. Some said that a shortage exists because lawyers cannot be persuaded to leave the urban centres and consequently the service to rural communities is inadequate, particularly in litigation. Others contended that some towns that are now without lawyers are as well served as when they had lawyers because communications had so much improved that it is easy for them to obtain legal assistance in nearby larger towns and cities. These larger centres, however, need new men and Legal Aid will accentuate the need by putting legal services within the reach of citizens who have not used lawyers before, particularly those living in Indian communities and seasonal employees like trappers and woodsmen. It was generally agreed that a shortage exists outside the cities and the meeting favoured the Society pursuing the question of a comprehensive survey of the present position and of the need for the future. Mr. Roberts told the meeting of the placement service he is inaugurating in connection with the Bar Admission Course which should help supply students to outlying districts.

4. Interest on Trust Accounts

Mr. Arnup, the Chairman of the Special Committee on Interest on Trust Accounts, reviewed the history of the Society's position respecting the interest earned by trust funds left in lawyers' hands. He said that there has never been and is not now any doubt that wherever possible money belonging to clients should earn interest for the client. The question arises with respect to interest earned by mixed trust accounts. Where clients' funds are held for short periods and often in small amounts mixed together in one trust bank account, it is impracticable to allocate to each client his share of the interest the whole account has earned. The Society now has no rule covering the question whether the lawyer is entitled to keep the interest his mixed trust account earns. It is left to each lawyer to decide in the light of the law relating to Trustees.

Most of those present agreed that lawyers are not entitled to keep the interest their mixed trust accounts earn. It was suggested that the Society might simply pass a ruling prohibiting lawyers from retaining interest earned by their clients' money.

5. THE LAW SOCIETY ACT

A copy of the draft Law Society Act was before the meeting and the highlights of it were described by Mr. R. F. Wilson. The question of regional representation was raised and an explanation given for the decision to provide for 15 members to be elected from Metropolitan Toronto and 15 from the rest of the Province, and this proposal was well received by most of those present. It was suggested that provision be made for replacements on the Bench to be made in conformity with the spirit of Section 13 so that imbalance would not occur in the years between elections.

6. LEGAL AID

Mr. Callon told the meeting of recent developments in the administration of the Legal Aid Plan and invited discussion on particular problems arising in the various Counties and Districts.

Mr. Callon told the meeting that discussions are already planned with the Welfare Department on questions of entitlement.

The Chairman of the Discipline Committee, Mr. Gray, reminded all members present that they should pass on to the Discipline Committee knowledge of any apparent abuses of the Legal Aid scheme.

7. LAW SOCIETY GAZETTE

The Benchers received general acclamation and congratulations for the Gazette, which the meeting considered to be fulfilling a useful purpose in improving communications among members of the Society. They all thought it an attractive and admirable publication.

8. SPECIALIZATION

The Treasurer reported that a Special Committee of Benchers is considering carefully the question of the introduction of special courses leading to specialist qualifications in law, but stressed that the move must be made slowly and only when the law schools are ready and able to enter the post-graduate field. He said that the Committee considers academic training as well as practical experience necessary to specialist qualifications. There were sharp differences of opinion among those present, some favouring immediate steps to implement courses and others holding the view that it is premature even to discuss the matter. Many expressed the view that specialization will surely come and that the Society should continue its consideration and lay down ground rules. The view was expressed that if specialists are allowed they should only take clients by referral and no longer engage in general practice for the public.

9. OTHER BUSINESS

The Treasurer announced that the annual meeting of the Society would be held in February in Windsor. The Society was commended for having held the meeting with the representatives of the County and District Law Associations.

THE REPORT WAS RECEIVED.

HISTORICAL PLAQUE AT NIAGARA-ON-THE-LAKE

The Treasurer read correspondence between the Society and the Department of Public Records and Archives concerning a plaque to be erected in Niagara-on-the-Lake to commemorate the founding of the Law Society of Upper Canada at Wilson's Hotel in 1797. Because the location of Wilson's Hotel is in doubt, the Archaeological and Historic Sites Board has suggested that the Plaque be erected in Simcoe Park which is near the probable site of the Hotel.

Moved by Mr. Pepper, seconded by Mr. O'Driscoll, that the Historical Branch, Department of Public Records and Archives, be advised that the Society approves of the erection of the plaque in Simcoe Park, Niagara-on-the-Lake.

Carried

SPECIAL DIVINE SERVICE — January 6, 1969

The Treasurer reminded the members of Convocation of the Special Divine Service for the opening of the Courts to be held in Metropolitan United Church on Monday, January 6th, 1969 at 12 noon.

PRESENTATION

Mr. G. E. Beament has presented to the Law Society two volumes by the first Chief Justice, William Osgoode, being — "Remarks on the Laws of Descent; and on the Reasons assigned by Mr. Justice Blackstone, for rejecting in his Table of Descent, a point of doctrine laid down in Plowden, Lord Bacon and Hale" — 1779; and "Remarks on the Inconsistency of the Table of Descents" — 1797.

Convocation accepted the volumes with thanks, and expressed its appreciation to Mr. Beament.

CORRESPONDENCE

The Treasurer referred to the following correspondence:

Letter to the Treasurer dated November 4, 1968 from the Honourable John N. Turner thanking him for the reception given him on the occasion of his Call to the Bar in October.

Letter to the Treasurer dated November 12, 1968 from Col. J. I. Davies commending the Society for the Remembrance Day Service, and expressing his appreciation of the luncheon following the Service.

Letter to the Treasurer from the County Law Associations of York, Frontenac and Middlesex commending the Law Society for organizing the recent Conference.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of January 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Monday, 18th November 1968
2:30 p.m.

PRESENT:

The Treasurer and Messrs. Arnup, Beament, Carson, Cass, F. M., Cassels, Chappell, Chitty, Common, Creighton, Evans, Ford, Frost, Goodman, LeBel, Levinter, Maloney, MacKinnon, McCulloch, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Raney, Roberts, Robinette, Robins, Sedgwick, Seymour, Sheard, Strauss, Thom, Weir, R. F. Wilson and Wishart.

A Special Meeting of Convocation was held in the Great Library, Osgoode Hall, on Monday, the 18th day of November 1968 at 2:30 p.m. The purpose of the Special Convocation was to elect His Excellency the Right Honourable Roland Michener, C.C., C.D., the Governor-General of Canada, an Honorary Bencher of the Society.

Their Excellencies arrived at the Benchers Entrance at 12:30 o'clock in the afternoon and were met by the Treasurer, Mr. W. G. C. Howland, Q.C., and the Secretary, Mr. Kenneth Jarvis, Q.C. Upon entering Osgoode Hall the Treasurer presented to Their Excellencies, Messrs. C. F. H. Carson, Q.C., J. J. Robinette, Q.C., Joseph Sedgwick, Q.C., J. D. Arnup, Q.C., and Brendan O'Brien, Q.C., all former Treasurers of the Society. Their Excellencies were accompanied by Mr. Esmond Butler, Secretary to the Governor-General, Captain D. G. Hyman, Aide-de-Camp, Mrs. Webster, Lady-in-Waiting, and Colonel John M. Lowndes, C.D.

Prior to the meeting of Convocation the Benchers entertained Their Excellencies the Governor-General and Mrs. Roland Michener at luncheon.

The Treasurer proposed a toast to Her Majesty the Queen. The Treasurer then proposed a toast to His Excellency the Governor-General, to which His Excellency replied. His Excellency presented to the Treasurer a photograph of Their Excellencies which they had autographed.

At the Special Meeting of Convocation which was held in the Great Library, the Treasurer called Convocation to order, and announced that Mr. Carson had a motion to present:

Mr. Carson:

Mr. Treasurer, it is my privilege to propose a resolution that His Excellency The Right Honourable Roland Michener, C.C., C.D., the Governor-General of Canada, be elected and enrolled an Honorary Bencher of the Law Society of Upper Canada.

If any precedent were needed for this proposal, Mr. Treasurer, there is a remarkably suitable one to be found in the Society's records. In 1936 Lord Tweedsmuir was Governor-General of Canada, an English Barrister of the Middle Temple and a member of the Bar of Ontario when he honoured this Society by becoming an Honorary Bencher. The Right Honourable Roland Michener is also an English Barrister of the Middle Temple, a member of the Bar of Ontario and Governor-General of Canada. It is a coincidence, Mr. Treasurer, that His Royal Highness, the Duke of Windsor, who has been an Honorary Bencher of this Society since 1919, is also an English Barrister of the Middle Temple and a member of the Bar of Ontario.

Mr. Treasurer, when one has reached the pinnacle of being Governor-General of Canada it is not considered proper to refer in any detail to political activities which took place in the past, however varied, intense and successful they may have been, and I do not propose to do so. The sketchiest list of some of the other accomplishments of this remarkable Canadian nonetheless provides in my respectful submission, ample material in support of the proposal I am putting to you, Mr. Treasurer, today. His Excellency graduated from the University of Alberta and won a Rhodes Scholarship in 1919 which took him to Oxford University where he obtained the B.C.L. degree in 1922 and the Master of Arts degree in 1923. He was Called to the Bar in England in that year and in Ontario in the following year and was appointed one of His Majesty's Counsel in 1943. He pursued the active practice of law in Toronto from 1924 until 1945 when the course of his life altered and he directed his energies to those activities to which I shall not refer. His Excellency has also served with distinction in the Royal Air Force and has been General Secretary for the Canadian Rhodes Scholarship Trust, Canadian delegate to the Conference on British Commonwealth Relations, successively in England, Canada and Pakistan, Chairman of the National Executive of the Canadian Institute of International Affairs, Chairman of the Royal Commission on Local Government, Organization and Finance in Manitoba and Canada's High Commissioner to India from 1964 until his appointment in 1967 as Governor-General of Canada.

Long before we of the Bar of Ontario were given an opportunity to respect and honour His Excellency as Governor-General we knew and admired him as a man of the law dedicated to the service of the public.

Mr. Robinette:

Mr. Treasurer, I have the honour to second this motion.

The Treasurer:

May it please Your Excellency:

I have the honour of declaring that you have been unanimously elected an Honorary Bencher of The Law Society of Upper Canada.

As Treasurer of the Society and on behalf of the legal profession of Ontario may I express our deepest appreciation of the honour you have done us in attending this Special Meeting of Convocation and in becoming an Honorary Bencher of this Society. It is a very real matter of pride to us all that the incumbent of your high office should be a member of our Bar of long standing. As a memento of this occasion may I present to you this specially bound copy of the resolution respecting your election.

His Excellency then addressed Convocation.

Mrs. MacDonald, the President of the Women's Law Association, then presented a bouquet of roses to Her Excellency Mrs. Roland Michener.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of January 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Thursday, 21st November 1968
2 p.m.

PRESENT:

The Treasurer, and Messrs. Beament, Bowlby, Callon, Dubin, Ford, Levinter, Martin, McCulloch, O'Driscoll, Pepper, Robins and Strauss.

Mr. Andrew Lawson, Director, Ontario Legal Aid Plan, was also present.

SPECIAL COMMITTEE ON BUILDING

At the request of the Treasurer, Mr. Beament presented the Report of the Building Committee:

Your Committee met on Thursday, the 21st day of November, 1968, the following members being present: The Treasurer (Chairman) and Messrs. Levinter, Robins and Sheard.

Also present at the invitation of the Chairman were: Mr. Heeney, the Society's Architect, Mr. Donald Angus, Consultant with respect to air conditioning, and the Director of the Bar Admission Course.

Draft plans prepared by Mr. Heeney for the renovation of the Society's premises, including Bar Admission Course areas, Secretary's staff, Benchers' quarters, and spaces used by the profession generally, were before the Committee. Mr. Heeney explained the plans which would provide:

Item (a) (Bar Admission Course)

1. 16 study rooms each seating 25 students.
2. Office Space for the Director and his staff.
3. Study rooms for students, but no alteration to large lecture rooms.

Item (b) (Law Society staff)

1. Office space for Law Society staff, including secretaries and stenographers.
2. General office.
3. Space for accountants and auditors.
4. Discipline Committee rooms.

Item (c) (for the use of the profession generally)

1. Consulting rooms
2. New locker rooms
3. Improved and enlarged locker room, washroom, storage and cabinet space.
4. One private dining room
5. Improved and enlarged services and washrooms for third floor club rooms.
6. Connecting passages to centre wing at the basement and first floor levels to connect with proposed alterations in centre and west wings; and also offices for library staff.

The Treasurer read to the Committee a memorandum of a meeting held on the 22nd October 1968 when he and Mr. Common, with Mr. Heeney and Mr. Jarvis met with Mr. Creba of the Department of Public Works, and Mr. Horne and Mr.

Crewe representing Page & Steele, the Architects who are preparing plans for the Government renovation of the Province's part of Osgoode Hall.

The Treasurer read to the Committee a letter from Mr. Heeney relating to the plans he had described for the proposed changes in the Law Society's premises.

After a full discussion, your Committee recommends that Items (a) and (b) be proceeded with, including the installation of the refrigerating plant, and that Item (c) be deferred for the present.

The cost of the work your Committee recommends should be proceeded with would be approximately $625,000.00.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE

The Treasurer read the further proposed amendments to The Legal Aid Act, 1966 which were considered by Convocation.

Moved by Mr. Beament, seconded by Mr. Ford, that the further proposed amendments to The Legal Aid Act be approved. *Carried*

The Treasurer then read the further proposed amendments to the Ontario Regulation 100/67 which were similarly considered by Convocation and further amended.

Moved by Mr. Beament, seconded by Mr. Martin, that subject to the foregoing amendments, the further amendments to the Ontario Regulation 100/67 as submitted to Convocation, and as further amended by it, be approved. *Carried*

CONVOCATION THEN ROSE.

Read in Convocation and approved this 17th day of January 1969.

W. G. C. HOWLAND,
Treasurer.

MEETING OF SPECIAL CONVOCATION

Friday, 29th November 1968
2 p.m.

PRESENT:

The Treasurer, and Messrs. Bowlby, Cass, Goodman, Gray, Henderson, Levinter, McCulloch, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin and Steele.

DISCIPLINE COMMITTEE—Mr. Gray

RE: GEORGE RUSSELL RUTHERFORD FRAME, Toronto

The solicitor failed to file the report of a public accountant on or before November 30th 1965 and November 30th 1966 as required by the Society and accordingly Messrs. Peat, Marwick, Mitchell & Co. were instructed to audit his books for the purpose of completing the reports. Notice of Complaint was served upon him, returnable before your Committee March 10th 1967. It contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. failed to produce all such evidence, vouchers, records, books and papers as required for the purpose of investigation by the Chartered Accountant designated by the Society to investigate your books under the provisions of Rule 11 of the Rules Respecting Accounts;
> 2. failed to file with the Law Society of Upper Canada on or before the 30th day of November 1966, either a report duly completed by a public accountant and signed by you or a Statutory Declaration setting forth that during the preceding twelve month period you had not handled or been responsible for any clients' trust funds or clients valuables, as required by Rule 9 of the Rules Respecting Accounts."

Your Committee met at the appointed time, the following members being present: Mr. Gordon Ford, Chairman, and Messrs. McLaughlin and P. D. Wilson. The solicitor attended without counsel.

On the evidence before it, your Committee found the specific complaints as admitted by the solicitor, to be established.

Your Committee recommends that the solicitor be suspended for a period of six months.

Mr. Goodman took no part in the proceedings and did not vote.

The solicitor attended without counsel and made submissions to Convocation.

Moved by Mr. O'Driscoll, seconded by Mr. Bowlby, that the recommendation of the Discipline Committee to Convocation be amended to provide that the solicitor be reprimanded in Convocation, and that he undertake to Convocation to file with the Society monthly for six months audited statements prepared by a Public Accountant showing a current reconciliation of his trust ledger with his trust bank account.

Carried

Moved by Mr. Robins, seconded by Mr. Henderson, that the reprimand be published. *Carried*

The Report as amended was adopted.

The solicitor returned and gave the required undertaking to Convocation, the first statement to be filed by the 15th January 1969.

The solicitor was reprimanded by the Treasurer, and informed that the fact of his reprimand will be published.

SPECIAL COMMITTEE ON SUPREME AND COUNTY COURT TARIFFS—Mr. Steele

At the meeting of Convocation on the 19th of February 1965, a Special Committee on Supreme and County Court Tariffs was appointed. A report dated the 20th of September 1966 was submitted to Convocation, adopted and forwarded to the Rules Committee. Subsequently, the Chairman of the Supreme and County Court Tariff sub-Committee of the Rules Committee wrote to the Society requesting that a draft tariff be submitted. On the 21st of June 1968 this Special Committee was appointed, composed of Mr. R. D. Steele, Chairman, and Messrs. Gray and MacKinnon.

Your Committee met on Tuesday the 21st of November 1968, there being present the Chairman and Mr. MacKinnon.

Convocation considered the proposed new Supreme and County Court Tariffs which the Committee recommended be submitted to the Rules Committee and made a number of amendments to the recommendations. Subject to these further amendments the Report of the Committee was adopted.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of January 1969.

W. G. C. HOWLAND,
Treasurer

MEETING OF SPECIAL CONVOCATION

Wednesday, 8th January 1969
2:00 p.m.

PRESENT:

The Treasurer, and Messrs. Arnup, Bowlby, Callon, Cass, Common, Dubin, Estey, Goodman, Henderson, Levinter, MacKinnon, Maloney, O'Driscoll, Pepper, Robins, Sheard, Strauss, Thom and Williston.

DISCIPLINE COMMITTEE—Mr. Gray

RE: ANTHONY FRANCIS BLOTTI, Toronto

As a result of an investigation by the Society's auditors a Notice of Complaint returnable on the 13th of December, 1968, at 10:00 a.m., was issued against the above-named solicitor containing the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you without authority signed the name of Donato Casasanta and Maria Casasanta to a promissory note dated the 17th of October 1968 and used it to obtain $19,500.00, more or less, from the Bank of Montreal, 568 College Street, Toronto, for your own purposes."

On the appointed day your Committee, composed of Mr. W. G. Gray as Chairman and Messrs. Bowlby, MacKinnon and Strauss, met at the appointed time. Mr. F. H. Zemans attended as counsel for the solicitor and requested an adjournment to the 20th of December 1968 at 10 o'clock in the forenoon. This was agreed, no evidence being taken.

On the appointed date and at the appointed time your Committee met, composed of Mr. W. G. Gray as Chairman and Messrs. Chappell and Strauss. The solicitor attended with his counsel, Messrs. R. F. May and E. Eberle.

Upon the evidence before it, your Committee finds the complaint is established.

Your Committee recommends that the solicitor be disbarred and his name struck off the Rolls of the Law Society of Upper Canada.

Mr. Goodman retired.

The Solicitor did not attend nor was he represented by Counsel. Mr. Gray produced a post office return card indicating that service of the Committee's Report had been effected by registered mail.

THE REPORT WAS ADOPTED.

IT WAS ACCORDINGLY ORDERED

1. THAT the Report of the Discipline Committee in the matter of Anthony Francis Blotti, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said ANTHONY FRANCIS BLOTTI guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said ANTHONY FRANCIS BLOTTI be disbarred.
4. THAT the said ANTHONY FRANCIS BLOTTI is unworthy to practise as a Solicitor.

RE: JOEL PHILLIP FREEDMAN, Toronto

Mr. Goodman returned and Messrs. Dubin and O'Driscoll retired.

Mr. Stuart Thom presented the Report of the Discipline Committee:

As a result of information received from the Society's investigators, a Notice of Complaint was issued containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. In the month of June 1968, at the Municipality of Metropolitan Toronto, contrary to Ruling 1 (5) (3) of the Rules of Professional Conduct, did improperly solicit business from one Kirk Randal Harris.

2. In the month of May 1968, at the Municipality of Metropolitan Toronto, contrary to Ruling 1(5)(3) of the Rules of Professional Conduct, did improperly solicit business from Roy Leslie Powell and Harry Powell.

The Notice of Complaint was made returnable on Tuesday the 5th of November 1968 at 10:30 o'clock in the forenoon. Your Committee met at that time composed of Mr. Gordon Ford, Chairman, and Messrs. H. E. Harris and Robins. Counsel for the Society was Mr. J. E. Eberle, Q.C., and Mr. Austin Cooper, Q.C., attended for the solicitor. Counsel for the solicitor requested an adjournment. This was granted to Wednesday the 27th of November 1968 at 10:00 o'clock in the forenoon. No evidence was taken.

Your Committee reconvened at the appointed time composed of Mr. F. J. L. Evans, Chairman, and Messrs. Bowlby and Thom. The solicitor, his counsel Mr. Cooper and counsel for the Society, Mr. Eberle, also attended.

By mutual consent the Notice of Complaint was amended by the deletion of the word "and" and the substitution of the word "or" therefor in the second line of the Notice so that the first two lines of the Notice now read "Take Notice that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor".

The specific complaints were admitted by the counsel for the solicitor.

Your Committee recommends that the solicitor be suspended from practice for a period of six months and that he be required to pay the cost of the Society's investigation and that he be given two years within which to complete payment.

Mr. Stuart Thom also read a letter dated the 7th January 1969 from Mr. Austin Cooper, Q.C., Counsel for the Solicitor.

The Solicitor attended with his Counsel who made submissions.

It was moved by Mr. Williston, seconded by Mr. Bowlby that the recommendation of the Discipline Committee be amended to provide that the solicitor be reprimanded in Convocation, that he be required to pay the Society's costs, and that the decision of Convocation, including the solicitor's name, be published in the Ontario Reports. *Carried*

The Report as amended was adopted.

The Solicitor returned and was informed of the amendments and was reprimanded by the Treasurer.

It was moved by Mr. Williston, seconded by Mr. Thom that a copy of the Committee's Report respecting Joel Phillip

Freedman, as amended, be supplied forthwith to the Director of Legal Aid. *Carried*

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of January, 1969.

W. G. C. HOWLAND,
Treasurer

THE PROPERTY OF
THE LAW SOCIETY

MEETING OF CONVOCATION

Friday, 17th January, 1969
10 a.m.

PRESENT:

The Treasurer and Messrs. Arnup, Beament, Bowlby, Callon, R. Cass, Cassels, Clement, Fennell, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Jamieson, MacKinnon, Maloney, Martin, McCulloch, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Kelso Roberts, Robins, Roebuck, Sheard, Slemin, Steele, Strauss, Thom, P. D. Wilson and R. F. Wilson.

The Minutes of the meeting of the 8th of January, 1969 were corrected to show that Mr. Gray was present and that Mr. Goodman absented himself from Convocation during the consideration of the Report of the Discipline Committee respecting Joel Phillip Freedman.

The Minutes as amended were confirmed.

The Treasurer announced to Convocation that The Honourable Lucien Tremblay, Chief Justice of Quebec, has accepted the Society's invitation to attend the Call to the Bar ceremony on the 21st of March, 1969 and to address the graduating students.

The Treasurer also announced that Lord Denning, the Master of the Rolls, has accepted the Society's invitation to luncheon with the Benchers on the 10th of April, 1969.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 9th day of January, 1969 at 3:15 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Henderson, Slemin and Thom.

BAR ADMISSION COURSE

FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Commercial Law

H. P. Katzman, Esq., to be appointed an Instructor.
J. T. Kennish, Esq., to be appointed an Instructor.
G. G. Sedgwick, Esq., to be appointed an Instructor.
W. H. Giles, Esq., to be appointed an Instructor.
K. Jaffary, Esq., to be appointed a Stand-by Instructor in place of H. P. Katzman, Esq., promoted to Instructor.
R. S. Paddon, Esq., to be appointed a Stand-by Instructor in place of J. T. Kennish, Esq., promoted to Instructor.

Estate Planning

J. F. Kennedy, Esq., appointed an Instructor.
A. R. A. Scace, Esq., appointed an Instructor.

Approved

CONTINUING EDUCATION

CONTINUING EDUCATION LECTURES 1969

At its meeting on the 10th of October, 1968, your Committee recommended that the programme for the Special Lectures in 1969 be on the subject "Defending a Criminal Case".

The Chairman presented the schedule of lectures.

Your Committee approves the schedules and recommends that the registration fee be $25.00, that the Saturday luncheons be held as usual, that no honoraria be paid and that the registration be restricted to 550.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 9th of January, 1969, at 2:45 p.m., the following members being present: Mr. S. D. Thom, Vice-Chairman in the Chair, and Messrs. MacKinnon, Robins, Sheard, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for call to the Bar and to be granted a Certificate of Fitness:

Corinne Robertshaw Parkin, British Columbia.

Approved

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

David Lloyd Gilbert Johnston — Special — Faculty of Law — University of Toronto — Fee $200.00. *Approved*

DIRECT TRANSFERS

Charles Robert Orrock Munro (B.A. University of Toronto 1949; LL.B. University of British Columbia 1952). Mr. Munro was called to the Bar of the Province of British Columbia and admitted as a Solicitor in 1953, and practised in Vancouver until January 1954. While in practice Mr. Munro accepted a position with the Department of Justice and has been with the Department since that time. Mr. Munro was allowed to write the January 1969 examination as required by Regulation 2, subject to the approval of this Committee. *Approved*

Edward Roy Sojonky (B.A. University of Saskatchewan 1965; LL.B. Saskatchewan 1964) was called to the Bar and admitted as a solicitor in Saskatchewan in June, 1965. Mr. Sojonky practised in Saskatchewan for nine months. While in practice Mr. Sojonky accepted a position with the Department of National Revenue in Ottawa where he still practises. Mr. Sojonky was allowed to write the January 1969 examinations as required by Regulation 2, subject to the approval of this Committee. *Approved*

Douglas Vernon Wright (Degree of Bachelor of Business Administration, University of New Brunswick 1962; LL.B. University of New Brunswick 1964.) Mr. Wright was called to the Bar of the Province of New Brunswick and admitted as a solicitor of the Supreme Court of New Brunswick in 1964. He is a member in good standing of the Barristers' Society of New Brunswick, and has been in continuous practice in Saint John until September 28th, 1968. He seeks to proceed under Regulation 2. *Approved*

UNITED KINGDOM SOLICITORS

Owen Anthony MacCarthy is a solicitor of the Courts of Eire and asks to proceed under Regulation 8, subject to his producing a current practising certificate as a United Kingdom Solicitor. *Approved*

OTHER CASES

James McL. Hendry (B.A. Dalhousie University 1939; LL.B. Dalhousie 1947; LL.M. Harvard 1948; LL.M. Michigan Law School 1949; S.J.D. Michigan Law School 1955), was admitted to the Nova Scotia Barristers' Society in 1954. Mr. Hendry, in order to complete his doctoral thesis, accepted a position on the full-time staff of the Dalhousie Law School for the years 1950-1957. After a brief period in business and practice he left Dalhousie Law School in 1958 to accept a position on the staff of Ottawa University and remained there on the full-time staff until 1960. He continues to teach Labour Law on a part-time basis. From July 1960 to March 1965 he was engaged as a solicitor in the Department of Transport, and then accepted a position as Assistant Counsel, National Energy Board, where he is presently engaged. He seeks to become a member of the Law Society of Ontario.

Your Committee recommends he be allowed to proceed under Regulations 2 and 4.

COMMONWEALTH TRANSFERS

Subodh Chander Davessar (B.A. degree Punjab University 1958; LL.B. degree Punjab University 1961), was enrolled as an Advocate in the Punjab High Court in 1962 and practised in the District Courts of Amritsar (Punjab) for about four years. He joined an industrial concern as their Resident Executive in the year 1966 and has been looking after their cases pending with the Government which involves legal and other disputed matters to the present. He seeks to proceed under Regulation 10(b).

Your Committee recommends that he be advised he cannot comply with the Society's Regulations in that he has not been in active practice.

G. C. Isaacs — Mr. Isaacs was called to the Bar in England in 1967 and obtained the (internal) LL.B. degree from the University of London in 1968. He has not practised and cannot qualify under the Transfer Regulations. Mr. Isaacs submitted a letter describing his circumstances and suggesting that he be allowed to write the examination prescribed for those proceeding under Regulation 10(b) and, if he passes it, be allowed to enter the Bar Admission Course. He also asked that his application be not refused without his having an opportunity to appear personally or by counsel before the Committee.

At the November 1968 meeting of the Committee it was recommended this matter stand to this meeting to give the applicant the opportunity to attend personally or by counsel. The correspondence is before the Committee. Mr. Isaacs was given permission to appear before the Committee today.

Mr. Isaacs attends with his counsel, Mr. Eberle, who makes submissions.

Your Committee recommends that the application be rejected.

Jayanta Chandrakant Satpute (M.A. degree University of Poona 1968; LL.B. University of Poona 1961), was admitted as an Advocate in the High Court of Judicature at Bombay in 1961, where he has been in continuous practice to the present. He presents a certificate of good standing from the Bar Council of Maharashtra, and seeks to proceed under Regulation 10(b). *Approved*

Vipinchandra Punamchand, Shah (Bachelor of Commerce University of Gujarat 1956; B.A. University of Gujarat 1958; LL.B. University of Gujarat 1959). Admitted as Advocate of the High Court of Gujarat at Ahmedabad, India, 1961, and entered on the Roll of Advocates maintained by the State Bar Council of Gujarat in 1962. Mr. Shah has presented a certificate of good standing in the Ahmedabad Bar Association, which states that he has been in practice in Ahmedabad, India, for about the last seven years. He seeks to proceed under Regulation 10(b). *Approved*

OCCASIONAL APPEARANCES

W. J. Wallace, Esq., Q.C., Vancouver, B.C., has applied to proceed under the Admission Committee's Regulation 11 governing 'Occasional Appearances in Ontario' of lawyers from other Provinces.

APPROVED upon payment of a fee of $100.00.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Toronto, asks to be called to the Bar and Admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Assistant Professor Arnold Weinrib, LL.B.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January, 1969 is before the Committee. Six candidates sat the examination. The following candidate passed:

George Alexander Macklin

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 9th day of January 1969, the following members being present: Mr. Sheard, Chairman, and Messrs. Fennell, Gray, Henderson, Levinter, Pepper, Robins, Steele, Thom and R. F. Wilson.

ACCOUNTS

The Secretary reports that from the 1st November to the 31st December 1968 accounts, including Library Accounts, properly approved, to the amount of $113,720.68 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July to 31st December 1968

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st December 1968. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointments to the Bench*

That the following former members of the Law Society have been honoured in their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

John H. Osler, Q.C., Toronto	Called—20 June 1940; Appointed Judge, S.C.O., 29 November 1968.
Donald H. Scott, Q.C., Welland	Called—21 June 1951; Appointed Jr. Judge, C.C.C. Lincoln, 29 November 1968.

Robin, V. J. Shea, Q.C., Hamilton	Called—18 November 1943; Appointed Judge, C.C.C. Wentworth, 29 Nov. 1968.
Thomas G. Zuber, Q.C., Windsor	Called—21 June 1951; Appointed Jr. Judge, C.C.C. Essex, 29 November 1968.

(2) That the following former members of the Law Society have died:

A. G. Burbidge, Q.C., Sudbury	Called—16 September 1937; Deceased—14 July 1968.
John E. Robinson, Q.C., Dundas	Called—16 September 1920; Deceased—28 August 1968.
C. J. Kelz, Q.C., Toronto	Called—19 February 1931; Deceased 18 Sept. 1968.
J. S. Allan, Q.C., Toronto (Honorary Life Member)	Called—22 May 1914; Deceased—5 November 1968.
J. J. McGuigan, Hamilton	Called—24 June 1954; Deceased—5 November 1968.
Nathan M. Pivnick, Q.C., Toronto	Called—16 June 1938; Deceased—7 November 1968.
A. H. Zilliax, Q.C., Elmira	Called—15 Sept. 1932; Deceased—13 Nov. 1968.
E. H. Braund, London	Called—16 Sept. 1920; Deceased—13 Nov. 1968.
R. E. Gardiner, London	Called—18 June 1942; Deceased—15 Nov. 1968.
A. Roy Courtice, Q.C., Toronto	Called—18 November 1920; Deceased—18 Nov. 1968.
Alexander J. McNab, Q.C., Walkerton	Called—15 November 1928; Deceased—4 December 1968.
J. McIntosh Tutt, Brantford (Honorary Life Member)	Called—20 May 1920; Deceased—7 December 1968.
W. McA. Nickle, Q.C., Kingston	Called—4 March 1925; Deceased—11 December 1968.
C. Frank Moore, Q.C., Uxbridge	Called—20 May 1920; Deceased—12 December 1968.
George B. Honey, Fort Erie	Called—19 November 1925; Deceased—23 December 1968.
Wilfrid F. Huycke, Q.C., Peterborough (Honorary Life Member)	Called—19 June 1919; Deceased—26 December 1968.
Hon. Ivan C. Rand, Q.C., Moncton, N.B.	Called—21 January 1963; Deceased—2 January 1969.

(3) That the following former member of the Law Society has ceased to be a British subject or a Canadian citizen, and her name has been removed from the rolls and records of the Society:

Martha Babych Trofimenko, Newark, Del. — Called 12th April 1962. By letter dated December 23, 1968 advised that she has accepted citizenship in the United States.

(4) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

George A. Marron, Q.C., Owen Sound. Called — 21st June 1934. Disbarred — Convocation, 15 November 1968.

Noted

RESIGNATIONS

Your Committee, having considered the material filed under the relevant Rule, recommends that the resignations of the following members be accepted:

Eric Vickers Chown, Vancouver, B.C. — Called — 17th March 1932

Robert James Gill, Brockville, Ont. — Called 17th September 1931

Robert William Gray, Kamloops, B.C. — Called — 24th June 1954

Harry George Menzies, Annan, Ont. — Called — 16th April 1936

Ernest Wesley Cubitt Sharpe, Vancouver, B.C. — Called — 11th December 1922.

COUNTY LIBRARY GRANTS

The Chief Librarian presented a memorandum listing th Association which has sent in its annual return for 1968. The amount set opposite its name is the amount of the grant to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on the 9th January 1969. *Approved*

INVESTMENTS

General Account

A guaranteed deposit in the amount of $100,000.00 matured on January 2, 1969, and was re-invested for 60 days at 6½%.

A further guaranteed deposit in the amount of $150,000.00 at 6½% was placed with the Canadian Bank of Commerce on the 8th January 1969 for 90 days. *Approved*

Compensation Fund

A guaranteed deposit in the amount of $275,000.00 matured on November 12, 1968, and was re-invested for 90 days at 6¼%.

A guaranteed deposit in the amount of $20,000.00 matured on January 2, 1969, and was re-invested at 6½% for 60 days. *Approved*

TRUSTS

Rowell Estate — A guaranteed deposit in the amount of $2,000.00 matured on January 2, 1969 and was re-invested at 6½% for 60 days.

Barlow Estate — Guaranteed deposits in the amount of $93,286.00 matured on November 18, 1968, and were re-invested at 6¼% for 60 days. *Noted*

ANNUAL FEES FOR RETIRED AND NON-PRACTISING MEMBERS

Five persons have written to the Society suggesting variously that they be relieved of paying the Compensation Fund levy, or the Barristers and Solicitors fees, or that some special fee be set for those who are not actively engaged in practice.

Your Committee recommends that they be advised individually that the requirements are not changed.

HONORARY LIFE MEMBERS

Beamer William Hopkins of Hamilton submits that he is eligible for Honorary Life Membership. He was enrolled as a student at the Osgoode Hall Law School as a matriculant student in 1913, and attended the first and second years. He was on active service from October 1917 to May 1919, and was allowed his third year for military service. He was Called to the Bar 19th June 1919. He served in the Second World War in the R.C.A.F. from October 1940 to January 1946 when he returned to practice. In December 1947 he was appointed a Magistrate. He acted as Senior Magistrate in Hamilton until April 1959, following which he was President of the Court of

Canadian Citizenship until 31st December 1961, when he retired.

Your Committee recommends that he be advised that he is entitled to become an Honorary Life Member.

OSGOODE HALL FENCE — *Immediate repairs*

In November the Treasurer and Mr. Heeney inspected a portion of the fence, where a section had been removed a few years ago to provide a pattern from which Art Wire and Iron Company Limited could prepare estimates of the cost of moving and repairing the whole fence. Mr. Heeney obtained a quotation from Art Wire and Iron Company Limited of $2,015.00 to replace the missing section and the Chairman of the Finance Committee instructed that the work proceed. The Committee is asked to ratify the Chairman's instructions.

Approved

ONTARIO LAW STUDENTS' ASSOCIATION

On the 25th November 1968 David J. G. French, President of the Ontario Law Students' Association, wrote to the Society asking for the Society's assistance in the following matters:

(1) $300 towards paying the expenses of sending the winning team of the OLSA Annual Moot Competition to compete at Harvard Law School in conjunction with Osgoode Hall Law School's annual visit to Harvard;

(2) a sum of money towards paying the expenses of a team of two students from Ottawa to visit Osgoode Hall and the University of Toronto and participate in a moot court demonstration in anticipation of the OLSA Ontario Moot Court finals to be held in Ottawa on the 24th and 25th January;

(3) a sum of money towards paying the expenses of sending next year's OLSA president to attend the Annual Meeting of the American Law Students' Association (held in conjunction with the ABA Annual Meeting).

(4) $382.60 to underwrite the deficit incurred by the OLSA in publishing *Prospects*, 1968, Second Edition.

Copies of the correspondence have been read by the Chairman of this Committee.

Your Committee recommends that the Society provide $600.00 to the Association for such purposes as they deem fit.

THE REPORT WAS ADOPTED.

Call to the Bar

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar and the degree of Barrister-at-Law was conferred upon them by the Treasurer:

Corinne Robertshaw Parkin — of Burnaby, B.C.; Transfer — British Columbia.

David Lloyd Gilbert Johnston — of the City of Toronto, in the County of York; Professor — Faculty of Law, University of Toronto.

DISCIPLINE COMMITTEE—Mr. Gray

The Monthly Reports for the months of November and December 1968 and the Report respecting the Compensation Fund for the period from July 1st to December 31st, 1968 were received.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 9th day of January, 1969 at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Gray, MacKinnon, Maloney, O'Driscoll, Slemin and Strauss.

1. Your Committee considered a request for the interpretation of the provisions of Ruling 9 of the Rules of Professional Conduct which states as follows:

> "Disbarred Persons
>
> Employment by solicitors
>
> No member of The Law Society of Upper Canada shall retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who has been disbarred or struck off the Rolls in Ontario or elsewhere and who has not yet been reinstated."

This request was made by a lawyer who had acted for a former member of the Society when he was disbarred. The request was occasioned by the disbarred lawyer seeking employment with a governmental agency at which time it was intimated to him that inasmuch as the agency also had lawyers in its office the provisions of Ruling 9 could come into effect insofar as those lawyers were concerned. It was your Committee's opinion that if the disbarred lawyer was employed by the governmental agency there would not be a breach of the provisions of Ruling 9.

2. Ruling 16 — Directories, Announcements and Professional Cards

Your Committee had before it applications received from publishers for approval under Section 3 of Ruling 16, and recommends that the following publications be approved and notice of approval be published in the *Ontario Reports*:

The Canadian Parliamentary Guide
The Canadian Banker
Motor Club of America

3. Report of the Sub-Committee on the Question of Division of Fees (Ruling 34) Arising from Litigation

Convocation, at the June 1968 meeting, approved the recommendation of the Professional Conduct Committee that a Sub-Committee under the chairmanship of Mr. P. B. C. Pepper and including Messrs. Ford and Maloney, be appointed to consider the question of fees arising from litigation. A Report has now been received from the Sub-Committee.

Rule 34 reads as follows:

> "*Division of Fees*. No division of fees for legal services is proper except with another lawyer, based upon a division of service or responsibility."

The Sub-Committee considered that the Ruling contemplates a division of fees between individual lawyers for one particular client and does not authorize any general arrangement.

The Report of the Sub-Committee was adopted.

The Chairman of the Professional Conduct Committee has undertaken to draft a short statement with respect to the recommendations set out in the Report for the next meeting of your Committee with the intention that this statement would be published in a future issue of the Law Society Gazette.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th of January 1969, the following members being present: Mr. Steele, Chairman, Messrs. Cassels, Maloney and Strauss and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to December 31, 1968 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	10,215.76	1,561.18	44,896.12

Approved

GIFTS AND DONATIONS

A number of donations have been received as follows:

Mr. Hamilton Cassels, Sr., Q.C.

A total of 21 volumes published between 1678 and 1846. Notable in this group is Sir Henry Hobart's . . . Reports . . . 4th ed. of 1678.

Mr. J. Eric Young, Q.C.

A gift of four volumes of texts one of which: Williams' *Principles of the law of real property*, 23rd ed. will replace a copy missing from the Great Library for some years.

Messrs. Osler, Hoskin and Harcourt

A number of unbound periodicals: *Digest of tax articles* and *Tax law review.*

Toronto Daily Star Library

A copy of Cartwright's *Law and practice in divorce and matrimonial causes in Ontario,* (1st ed.) 1934, and Ontario Supreme Court of Judicature. Rules of Practice and procedure . . . 1947.

Noted

BOOK LIST

A list of books ordered during the past two months is presented for approval. *Approved*

COUNTY AND DISTRICT LAW LIBRARIES

Annual Grants

The Bruce County Law Association has sent in its annual returns for the year 1968. The amount of the grant which this Association should receive under the Rules for the year 1969 is $825.00 and this amount was approved by your Committee.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 9th day of January, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Fennell, Henderson and Steele.

Two further files on the activities of Notaries Public were referred to Counsel for an opinion as to whether an Information should be laid under Section 6 of The Solicitors Act.

An opinion of Counsel in respect of a matter referred to him at the last meeting of your Committee was received. It was the opinion of Counsel that there was insufficient evidence upon which to base a prosecution and the file was accordingly closed.

A number of other matters were discussed and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 10th day of December, 1968, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Caldbick, Cass, O'Driscoll and Levinter.

1. The Directors Report

The Director submitted a report pursuant to Section 83(2) of the Regulation.

2. The Legal Accounts Officer's Report

The Legal Accounts Officer submitted a report on statistics for the current month and preceding months.

3. THE CONTROLLER'S REPORT

The Controller submitted a report on monthly statistics for the six months ended October 31st, 1968.

THE REPORT WAS ADOPTED.

The Chairman and the Director attended a special meeting with the Deputy Attorney General, the Executive Director, Department of Social and Family Services and the Director, Legal Aid Assessment Branch of that Department, on January 7th, 1969.

The purpose of the meeting was to discuss in detail the procedure, philosophy and criteria which the Department of Social and Family Services has been using to determine financial eligibility of legal aid applicants. It has become apparent that the rules for determining financial eligibility must undergo reappraisal and reassessment to smooth away some of the difficulties which have arisen during the first twenty months of experience.

Officials of the Department appreciated the Law Society's concern and agreed to redefine such factors as disposable income, liquid assets and real property as they relate to financial need for legal assistance. The Department advised that before they submit their report on revised standards to the Treasury Board, they would arrange a further meeting with the Chairman and Director.

THE REPORT WAS ADOPTED.

Your Committee met on Wednesday, the 8th day of January, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Cass, O'Driscoll and Levinter.

THE REMOVAL OF SOLICITORS FROM LEGAL AID PANELS AS PROVIDED FOR UNDER SECTION 29(2) OF THE REGULATION

On November 22nd, 1968 R. J. Reid, Q.C., Preston, Ontario attended at a show cause hearing represented by W. D. Griffiths, Q.C. Through his solicitor, Mr. Reid consented to an Order stating that between January 1st, 1968 and June 30th, 1968 he charged unconscionable amounts in accounts to the Legal Aid Fund for his travelling time.

The Committee approved the Director's Order removing the name of Ronald J. Reid, Q.C. for cause from the Legal Aid Panels maintained by the Area Director for the County of Waterloo.

EXEMPTION FROM SECTION 68 OF THE LEGAL AID REGULATION

Your Committee approved, after careful consideration, a request from the Area Director and Area Committee of Hastings and Prince Edward Counties to exempt the villages of Bancroft and Madoc from Section 68 of the Regulation.

SECTION 26 OF THE REGULATION

Section 26 of the Regulation reads:

> "Applications under section 25 may be submitted to the area director of any area in which the solicitor maintains an office or in which he has an established practice."

In its November, 1968 report to Convocation, your Committee reported the request of two Ottawa solicitors to be entered on the Legal Aid Panels for the Counties of Prescott and Russell.

Your Committee was of the opinion that the words "established practice" as set out in Section 26 of the Regulation do not make it necessary for a solicitor to have an office in the area or district when applying to be entered on a Legal Aid Panel under this section.

The Director subsequently discussed this matter with the Area Director for the said counties who informed him that he was personally concerned about placing these solicitors' names on the panels since the counties are exempted from Section 68 of the Regulation. This exemption would allow these solicitors to act as Duty Counsel and also represent accused at trial.

Your Committee was of the opinion that if a solicitor has an established practice in these counties, he is entitled to be put on a panel. However, the Area Director should be advised that the solicitors in question should not be employed as Duty Counsel in Prescott and Russell.

THE LEGAL AID ACT, 1966

Your Committee requested the Director to obtain counsel's opinion as to whether Section 12 of The Legal Aid Act, 1966 is an "as of right" section, and in conjunction with that issue, the meaning of the word "justified" in Section 17, subsection (4) of the Act.

The Committee moved that the opinion be received and filed.

Your Committee instructed the Director to circularize the opinion to the Area Directors in substance only.

CORRESPONDENCE

a) The York County Area Director wrote the Director with respect to an invitation to affiliate with the Social Planning Council.

Your Committee instructed the Director to write the York County Area Director advising him that the Committee approves of co-operating with the Social Planning Council but not affiliating with it.

b) The Committee reviewed correspondence from The Honourable Mr. Justice Stewart, Chairman, Advisory Review Board, with respect to the granting of legal aid certificates to persons found not guilty by reason of insanity, or who have been found unfit to stand trial or who have been found mentally ill while awaiting trial.

Mr. Justice Stewart recommended that some of these applicants who have no estates should be issued legal aid certificates immediately, without the necessity of being referred to an Assessment Officer for financial investigation.

His Lordship stated that the Public Trustee has supplied him with a list of everyone under a Lieutenant Governor's warrant and given him information on their estates, if any. The Chairman would be able to certify instantly that any individual has or has not money in the hands of the Public Trustee and the amount of the funds under this official's control.

The Chairman of the Advisory Review Board could, therefore, certify that various applicants have no money at all and are entitled to Legal Aid.

Your Committee was of the opinion that under the present legislation, such applications must be referred to the Welfare Officer. It is the responsibility of the Welfare Officer to contact the Public Trustee.

c) The Committee reviewed a recommendation that legal aid secretaries in the area offices be appointed Commissioners for Taking Affidavits.

The proposed new Statutory Declaration on the application (Form 2) may create problems since in the smaller legal aid areas the secretaries may have to take affidavits in the absence of the Area Director.

The Committee approved the recommendation that the legal aid secretaries in the area offices be appointed Commissioners for Taking Affidavits provided the appointment is limited to the secretary's service in a particular legal aid office.

d) The Area Director for Lambton County suggested an amendment to the Legal Aid Act whereby there would be no necessity to have an Area Committee's approval for a legally aided client to defend an appeal when he has been successful at trial.

Your Committee was of the opinion that such an amendment was not justified.

e) *Legal Aid for the Mentally Ill*

(i) The Area Director for Simcoe County wrote the Director to express the view that the Public Trustee should apply under Section 38 of the Regulation for legal aid on behalf of a mental incompetent.

Your Committee was of the opinion that the Public Trustee should not make the application under these circumstances; the application should be made through a Next Friend.

(ii) The Area Director for Wentworth County suggested to the Director that when an application for legal aid is made by a patient in a psychiatric hospital, on an enquiry before the Review Board, legal aid should be refused unless the Review Board Chairman advises that counsel is required.

Your Committee was of the opinion that the Area Director should refer the application to the Area Committee; each application should be considered on its own merits.

THE DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

It should be noted that recoveries from contributing clients and in respect of costs recovered, as of the end of November, 1968 have exceeded the estimated recoveries.

THE LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report on statistics for the month of December, 1968 and preceding months.

The Legal Accounts Officer informed the Committee that by the end of February 1969 his Department should be taxing accounts on a current basis.

THE CONTROLLER'S REPORT

The Controller submitted a summary of applications for the 6 months' period ended November 30th, 1968.

It is to be noted that there is no significant increase in the number of applications being currently received for Legal Aid.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Legal Aid Committee for the following area:

Districts of Manitoulin and Sudbury

Mr. Ralph Connor, Manager, T.V. Station, Sudbury

Resignations:

Wellington County

Kenneth A. Rae, appointed Assistant Crown Attorney, Waterloo County

Grey County

George Arthur Marron, Q.C.

NON-RESIDENT APPLICATIONS

Your Committee considered 14 applications from non-residents requesting legal aid assistance in civil matters. These applications were dealt with in the following manner:

7	refused
1	approved
1	referred back to Area Director
1	applicant advised to contact the Attorney General's Department with respect to enforcement of a Maintenance Order
1	solicitor requested to give an opinion under Section 56 of the Regulation
2	solicitors requested to give more information
1	solicitor instructed to refer the matter to the Family Court in New Brunswick

Your Committee considered 5 applications from Ontario residents for legal aid assistance in civil proceedings outside the Province. These applications were dealt with in the following manner:

2 refused
3 solicitors requested to give more information

APPOINTMENT OF LEGAL ACCOUNTS OFFICER

The Attorney General has confirmed with the Treasurer of the Law Society, the appointment of David J. Thomas, Q.C. as Legal Accounts Officer, effective as of December 15th, 1968.

THE REPORT WAS RECEIVED.

At 12:35 Convocation adjourned for luncheon.
Convocation resumed at 2:30 p.m., a quorum being present.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 9th day of January, 1969, the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby, H. E. Harris, O'Driscoll, Pepper and A. Kelso Roberts.

INFORMATION FOR PUBLIC AND HIGH SCHOOL STUDENTS

At its meeting in September the Committee gave further consideration to republishing the Ontario Law Students' Association's "Prospects in the Law" for the information of public and high school students. The permission of those who contributed to the book and printing costs are before the Committe.

Your Committee recommends that 5,000 copies be printed at a final cost to be agreed upon by the Chairman of this Committee and that a copy of the booklet be supplied to each Bencher.

FILMS

At its meeting in October members of the Committee saw films produced by Crawley Films Limited. The Chairman was to pursue further with that Company the possibility of their producing a film for the Law Society and particularly the question of costs. A copy of a letter from Crawley Flms to the Chairman, in this regard, is before the Committee.

THE REPORT WAS ADOPTED.

LAW SOCIETY ACT—Mr. R. F. Wilson

Since the publication to the profession of the draft new Law Society Act a number of suggestions have been received from members of the profession and there has been editorial comment in at least two of the Toronto newspapers.

The Treasurer and the Chairman of the Legislation and Rules Committee have met to consider these suggestions and criticisms. It was suggested in an editorial in the Globe and Mail of the 31st December, 1968 that an appeal should be provided from an Order of Convocation limiting or suspending a member's privileges under Section 32.

A member of the Bar has suggested that Section 50(1)34 should be clarified by the addition of apostrophes after the final "s" in each of the words "Barristers" and "Solicitors".

A member has suggested that Section 48, Sub-section 7 would be improved by deleting the words, "to the amount of the grant" and re-wording the section as follows:

"If a grant is made under this section the Society shall be entitled to all rights and remedies to which the person receiving the grant was entitled on account of the loss in respect of which the grant was made against the dishonest member or any other person or in the event of the death or insolvency or other disability of such member or other person, against his personal representative or other person administering his estate until the Society shall have been reimbursed to the full amount of the grant made by it."

He suggests that an alternative to this would be to add a subsection to provide that in the event of the bankruptcy of a dishonest member the Law Society shall be entitled to prove against the bankrupt estate for the full amount of the claim of the person to whom the grant was made and to receive all dividends on such claims until the Law Society has been reimbursed the full amount of the grant.

A member has suggested that Sections 10, 11 and 12 be amended so that only elected Benchers may vote with respect to matters governing the affairs of the Society. He also suggested that full-time law teachers be appointed under Section 25(1)(e) only if they have in addition to being full-time teachers, carried on the practice of law in Ontario for at least five years.

A member has suggested that the election of Benchers (Section 14) be held every two years.

A member has written suggesting that on the basis of the decision in the Court of Appeal in Giffels and Vallet of Canada Ltd. v. The King [1952] O.W.N. 196 under the wording of Section 47 a corporation could practice law without being subject to any of the penalties set out in the draft.

Another member suggests that Section 40 should provide that in the case of the death of a solicitor there should be some notice to a personal representative, either before an Order is made or before taking possession of any property.

It has been suggested that under Section 29 (1) (c) Assistant Masters should be included since, although there are none at present, they are provided for in the Ontario Civil Service Regulations and Schedules of Salaries.

There has also been received the suggestion that the Head of the Society be called "The President" and that the words "Upper Canada" be changed to "Ontario" in the Society's name.

Section 29 has been criticised in terminating the membership of those who become Judges. The criticism is evidently based on the assumption that at present Judges' membership in the Society is simply in abeyance, ready to be resumed upon their resignation or retirement from the Bench, whereas under Section 29 former Judges would be required to apply for re-admission as members.

It was recommended that Section 41 be amended to provide for an appeal from an Order of Convocation made under Section 32; that Section 50(1)34 be amended by the addition of apostrophes after the final "s" in each of the words "Barristers" and "Solicitors"; that Section 48 be amended by the addition of a further sub-section to provide that in the event of the bankruptcy of a dishonest member the Law Society shall be entitled to prove against the bankrupt estate for the full amount of the claim of the person to whom the grant was made and to receive all dividends on such claims until the Law Society has been reimbursed the full amount of the grant; that Section 29(1) (c) be amended by inserting after the words, "full-time Master" the words "or full-time Assistant Master" so that the sub-section will read "the Senior Master or a full-time Master or a full-time Assistant Master of the Supreme Court at Osgoode Hall."

It was noted that the criticism in connection with s. 29 was being given further study.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON ACTIVITIES OF STUDENTS-AT-LAW AND LAW CLERKS—

Mr. MacKinnon

The scope of the studies of the *Special Committee on Activities of Students-at-Law and Law Clerks* was enlarged by Convocation to include the question of the training of law clerks for employment in lawyers' offices in Ontario. An interim report was made by your Committee to Convocation in June 1968 and a further report was made in November of 1968. This is the final report.

Your Committee met on the 9th day of January, 1969 with R. J. Roberts to consider the draft syllabus for community colleges which he had prepared at the request of the Committee.

After publicity was given to the possibility of the extensive use of law clerks in lawyers' offices, some 13 community colleges wrote, indicating their interest in the subject matter and requesting assistance in preparing a course of study for law clerks.

Before referring to the syllabus which is attached, the Committee came to the following conclusions which they suggest should be conveyed to all community colleges to whom the syllabus is sent:

(1) The basic (and best) training of a law clerk will be given in the law office to which he is attached;

(2) The "academic" training to be given to a law clerk should be supplementary to that office training — and as a consequence should not require extensive periods of time at school, but should, preferably be given in night courses, or by short 2 or 3 week courses. The emphasis should be on procedural matters rather than on substantive law.

One of the reasons for emphasizing these points is that some of the community colleges have already devised elaborate two-year courses, apparently misconceiving the purpose and function of law clerks, and imposing an unnecessary financial burden and delay on young people who might wish to become law clerks.

The Institute of Law Clerks of Ontario has now received its charter and it is a pre-requisite of membership that a law clerk be in a law office under the direction and control of a lawyer.

The proposed syllabus is a very practical one and should be helpful to any law clerk who wishes to better himself and to be of more value to his office. It is one which we suggest should be forwarded to community colleges, if they request it, with the caveats noted.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON INTEREST ON TRUST ACCOUNTS—Mr. Arnup

Your Committee met on Thursday, the 9th day of January, 1969, the following members being present: Mr. Arnup, Chairman, and Messrs. Henderson, MacKinnon and R. F. Wilson.

The question of Interest on Trust Accounts was discussed at the meeting on November 1st with the representatives of the various County Law Associations.

A number of opinions were expressed at that meeting and since then correspondence has been received from members of the profession who attended. The Chairman has also received correspondence on the subject from the Law Institute of Victoria, Australia and from the Law Society of Western Australia.

Your Committee recommends that a proposed ruling be published in the Ontario Reports and that comment thereon be invited from the profession, such proposed ruling to be:

1. Except where the client otherwise directs in writing, all trust accounts in which are deposited the funds of more than one client shall be maintained in non-interest-bearing accounts.

It was moved by Mr. R. F. Wilson, seconded by Mr. McLaughlin that the recommendation be amended and that a Ruling be passed based on the Solicitors' Deposit Account Interest Rule of the Law Society in England.

The amendment was lost.

It was moved by Mr. O'Brien, seconded by Mr. R. Cass that the Rule be passed rather than published as a proposed ruling.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE—Mr. R. F. Wilson

As you are aware, the report of your Committee on Errors and Omissions Insurance, consisting of Messrs. R. F. Wilson, B. J. MacKinnon and myself as Chairman and submitted to the October meeting of Convocation was stood over for later consideration, particularly in view of the fact that the Treasurer and some of the Benchers were meeting with the heads of the County and District Law Associations on November 1st.

You will recall also that it was decided that the subject of errors and omissions insurance should be put on the agenda for the said meeting of November 1st and copies of the report of your Committee should be sent out to the various Associations for consideration prior to that meeting.

As a consequence of that meeting some of the questions which were raised in our report and which we stated the answers to which were unknown, have now been sufficiently answered so that your Committee, with reasonable assurance, is prepared to state what it thinks the answers are. The questions and answers are:

1. Is errors and omissions insurance primarily for the benefit of the client or is it for the benefit of the barrister and solicitor?

It was the consensus of the meeting of November 1st that this type of insurance is for the benefit of both and is of particular benefit to the barrister and solicitor to enable him to avoid a catastrophe.

2. Should the insurance be made compulsory or should it be entirely voluntary?

There were 45 County or District Law Associations represented at the meeting on November 1st. Of these, five of the Associations so represented had concluded that the insurance should be entirely voluntary. The remainder, however, reported that in their opinion the insurance should be made compulsory.

3. Are the complaints that we are receiving largely due to the amount of the premium required or is there a body of the profession which cannot obtain the insurance regardless of premium?

The complaint of the greater number is that the premium is too high and places an onerous burden on practitioners practising alone or in a small firm. However, apparently a number of the profession practising alone and only recently admitted to the Bar are having difficulty in getting any insurance regardless of premium.

4. Should consideration be given to forming a legal protective association similar to the Medical Protective Association? If such association should be formed, should it be on a provincial basis or a national basis?

The consensus of the meeting of November 1st was that consideration should be given to forming a legal protective association, that the amounts of the contributions should be added to the annual fee and required to be made before a certificate be given.

The Committee considered a letter which had been received from Mr. Gordon Henderson, whose firm has acted for many years as national counsel for the Medical Protective Association.

At the recent meeting of the National Executive of The Canadian Bar Association it was the consensus of the Executive that if errors and omissions insurance would have to be compulsory in order to obtain the lowest rates, then the Canadian Bar Association could not be a sponsoring party as it has no power of compulsion, such as the various governing bodies would have.

RECOMMENDATIONS

We recommend that we be given the authority to select a broker of our choice and that we have that broker canvass the insurance companies and submit to us two alternative schemes:

(1) A legal protective scheme both with and without reinsurance and excess insurance carried by insurance companies;

(2) A straight proposal for insurance after deductions with a $50,000 limit for any one occurrence and a $200,000 aggregate for any one year, together with terms for excess insurance up to an aggregate figure of $1,000,000 for any occurrence and $3,000,000 for any one year. The primary insurance would be based on it being compulsory; the excess based on it being voluntary.

On receipt of the advices which we would expect to obtain from the chosen broker, we will report to Convocation as to our recommendations as to which scheme should be adopted.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer read the following correspondence:

Letter to the Benchers from the Welland City Law Association dated November 25th, 1968 re appointments to a County Bench or similar County appointments.

Letters from the Honourable Allan F. Lawrence, the Honourable Mr. Justice Wilson and the Honourable Mr. Justice Moorhouse expressing appreciation of their invitations to the luncheon for the Governor General on November 18th, 1968.

Letter to the Treasurer from Dean Gilling of St. James Cathedral expressing his appreciation of the luncheon following the Divine Service.

Ordered that the correspondence be received and filed.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 21st day of February, 1969

W. G. C. HOWLAND
Treasurer

MEETING OF CONVOCATION

Friday, 21st February, 1969
10 a.m.

PRESENT:

The Treasurer, and Messrs. Beament, Bowlby, Callon, Cass, Chitty, Clement, Dubin, Evans, Fennell, Goodman, Gray, H. E. Harris, W. E. Harris, McCulloch, MacKinnon, O'Brien, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin, Steele, Thom, Weir and R. F. Wilson.

The Minutes of the meeting of January 17th, 1969 were read and confirmed.

LEGAL EDUCATION COMMITTEE — Mr. Robins

Your Committee met on Thursday, the 13th day of February, 1969, at 3:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Cass, Henderson, Maloney, Sheard, Slemin and Thom.

BAR ADMISSION COURSE

PETITION

Roy Arthur Sullivan applied for admission to the Society as a student-at-law in the Bar Admission Course on the 1st October, 1968. He submits that his application was late because he decided not to article for one year after his graduation from Queen's and consequently did not look into the regulations. He has served in a law office since the 1st of September, 1968. He asks that the fine of $56.00 for late filing be refunded to him.

Your Committee recommends that the request be declined.

LAW SOCIETY DINNERS

A memorandum from the Secretary is before the Committee suggesting that a series of dinners for the students in the teaching period of the Bar Admission Course be instituted on a trial basis to accomplish the following:

(1) Replace the Bar Admission Course annual dinner.

(2) Create an opportunity for students in the Bar Admission

Course to meet and talk to members of the profession, including Benchers and Judges.

(3) Allow the students to absorb some of the traditions of the profession and to begin earlier in their careers the transition from university students to responsible members of the legal profession.

(4) Create an opportunity for members of the profession, including out-of-town members, to meet students with whom they may wish to associate later in practice.

(5) Help maintain closer liaison between law students, the Benchers and the profession generally.

Your Committee recommends the suggestion be approved in principle and referred to a sub-committee of this Committee for detailed planning and report to the Committee and Convocation.

CONTINUING EDUCATION

SPECIAL LECTURES ON THE DIVORCE ACT AND RULES 1968

The Director of the Bar Admission Course submits the following report:

"A special programme on the new Divorce Act and Rules was held in the following cities on the following dates:

Toronto	June 5th, 1968
London	June 12th, 1968
Ottawa	June 19th, 1968
Sault Ste. Marie	Sept. 28th, 1968

There were so many applications to attend the programme in Toronto that both the upstairs and downstairs classrooms in the law school building were engaged with each lecturer giving his lecture once in each classroom during the morning and with separate panels discussing the legislation and rules in each classroom during the afternoon.

There were also good turnouts in each of the other cities considering their size but it was not necessary to repeat the programme.

In addition to those who actually attended many persons registered in order to receive the manual prepared for distribution and many later wrote in paying the programme price for the manual.

970 lawyers enrolled for the programme at Toronto. 259 enrolled at London, 206 at Ottawa and 62 at Sault Ste. Marie. In addition to all of these, 428 others purchased books.

The fee for the programme, or for the book, was $15.00 and a total of $28,875 was received.

Received

CONTINUING EDUCATION BULLETIN

Your Committee recommends that the Director of the Bar Admission Course distribute bulletins notifying the profession of recent changes in provincial and federal legislation, the cost and specific contents of the bulletins to be subject to the approval of the Chairman of this Committee.

CONTINUING EDUCATION LECTURES 1969

The Chairman presented the schedule of lectures on "DEFENDING A CRIMINAL CASE" to be given in Osgoode Hall on March 7th and 8th, and March 14th and 15th, 1969.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE — Mr. Thom

Your Committee met on Thursday, the 13th of February 1969, at 2:30 p.m., the following members being present: Mr. S. D. Thom, Vice-Chairman in the Chair, and Messrs. MacKinnon, Robins, Sheard, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for call to the Bar and to be granted a Certificate of Fitness:

George Alexander Macklin — Alberta

Approved

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

Arnold Samuel Weinrib — Special — Faculty of Law, University of Toronto — Fee $200.00

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Ten candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1968:

DIRECT TRANSFER

Harvey Leonard Samuel Portigal (LL.B., University of Manitoba 1960) was called to the Bar in Manitoba and admitted as a solicitor in 1961, and has practised in Winnipeg to the present. He submits a Certificate of Good Standing and asks to proceed under Regulation 2.

Approved

COMMONWEALTH TRANSFER

Mahendra Ramanlal Mehta (LL.B. Gujarat University 1957) was entered as an Advocate on the Roll of the High Court of Gujarat in India in 1960 where he practised continuously until going to New York City in the Fall of 1968. He submits a declaration made by him in New York dated December 26th 1968, and notarized. He seeks to proceed under Regulation 10(b).

Approved

POLICY ON LEAVE OF ABSENCE BEFORE ENTERING BAR ADMISSION COURSE

For audit purposes, the Committee is asked to record its policy of allowing those holding the approved Canadian LL.B. degree to postpone for two years after receiving the degree their entrance into the Bar Admission Course without the necessity of making Special Petition to the Admissions Committee.

Approved

SPECIAL PETITION

Michael Victor Cohen expects to receive his LL.B. degree in June 1969. He asks to be allowed to postpone entering the Bar Admission Course until 1973 to enable him to enter the medical school at McMaster University and complete his internship.

Approved

Mr. Henderson took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE — Mr. Sheard

Your Committee met on Thursday, the 13th February 1969, the following members being present: Messrs. Sheard, Chairman, Beament, Vice-Chairman, Henderson, Levinter, Pepper, Robins, Steele and Thom.

Accounts

The Secretary reports that from the 1st January to the 31st January 1969 accounts, including Library Accounts, properly approved, to the amount of $68,025.96 have been paid.

Approved

Financial Statement, 1st July 1968 to 31st January 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1968 to the 31st January 1969.

Approved

Rolls and Records

The Secretary reports:

(1) *Appointment to the Bench*

That the following former member of the Law Society has been honoured in his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

Ronald Stewart Macnab, London	Called — 16 September 1948 Appointed Junior Judge, C.C.C. Middlesex — January 10, 1969.

(2) That the following former members of the Law Society have died:

Harry I. Rotenberg, Toronto	Called — 18 October 1928 Deceased — 27 March 1968
Charles Gordon Page, Q.C., Toronto	Called — 19 September 1929 Deceased — 9 January 1969

Lorne W. Jordan, Q.C., Lindsay	Called — 20 November 1930 Deceased — 12 January 1969
T. R. J. Wray, Toronto (Honorary Life Member)	Called — 17 February 1911 Deceased — 15 January 1969
Edward W. Haines, Q.C., Aylmer	Called — 17 June 1926 Deceased — 15 January 1969
William P. MacKay, Q.C., Simcoe (Honorary Life Member)	Called — 22 May 1914 Deceased — 21 January 1969
M. Wallace McCutcheon, Q.C., Toronto	Called — 18 September 1930 Deceased — 23 January 1969
John L. Grogan, Q.C., Toronto	Called — 26 September 1923 Deceased — 29 January 1969
Nicholas A. Kutney, Toronto	Called — 21 November 1946 Deceased — 8 February 1969

(3) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

Anthony Francis Blotti, Toronto	Called — 20 September 1956 Disbarred — Convocation, January 8, 1969.

Noted

HONORARY LIFE MEMBERS

Mr. Arthur Wyckoff Rogers, Q.C. has submitted an application to be made an Honorary Life Member of the Law Society. Mr. Rogers was called to the Bar of Ontario on the 4th April 1922, having transferred from the Bar of Nova Scotia where he was Called on the 28th June 1921. He submits that he should be allowed credit for his service in the army during his time under Articles in Nova Scotia.

Your Committee recommends that he be advised that he does not now qualify for Honorary Life Membership.

RESIGNATIONS

Your Committee, having considered the material filed under the relevant Rule, recommends that the resignations of the following members be accepted:

Albert E. Hugill, Toronto	Called, 19 November 1925
Thomas A. James, West Vancouver	Called, 26 June 1958
James Joseph Lyons, Ottawa	Called, 15 November 1928

James Norris Marquis, St. Catharines	Called, 20 January 1927
Lida Bell Pearson (Sturdy), Preston	Called, 15 September 1921
Donald Clair Smith, Smiths Falls	Called, 21 September 1922

CHANGE OF NAME

Donald Edward Franks, of the Bar Admission Course, is entered on the rolls of the Law Society as "Donald Edward Czajkowski Franks". He has never used the name "Czajkowski", and because of the difficulty of pronouncing and spelling the name, he asks that he name be changed on the rolls of the Law Society to "Donald Edward Franks". His petition is before the Committee.

Approved

COUNTY LIBRARIES GRANTS

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1968. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved

SUB-COMMITTEE ON INVESTMENTS

Report of the Sub-Committee on Investments to the Chairman of the Finance Committee dated the 20th day of January, 1969:

Your Sub-Committee, consisting of Mr. R. F. Wilson (Chairman), G. F. Henderson and S. D. Thom, met on January 9th and 18th, 1969, and had for consideration the statement of Society funds as of December 31st, 1968, and a statement of receipts and disbursements on the General Account of the Society for a period of July 1st to December 31st, 1968, together with a statement of investments of Society funds as of the present date and a statement of details of investments of the Society's special and trust funds.

Your Sub-Committee makes the following recommendations:

(a) *Re Society Funds*

Any surplus funds of the Society in General Account are invested in guaranteed deposits with the Canadian Imperial

Bank of Commerce in the sum of $450,000. It appears that all these monies will be required to finance the operations of the Society during the period of the fiscal year ending June 30th, 1969.

(b) *Special and Trust Funds*

Apart from some $270,000 of Government of Canada Bonds or Bonds guaranteed by the Government of Canada, the Compensation Fund has $675,000 invested in deposit receipts of the Canadian Imperial Bank of Commerce at 6¼%, with the exception of one deposit receipt in the sum of $20,000 at 6½%, all of which deposit receipts are repayable in the months of February and March, 1969. In addition, there is a savings bank balance of $50,000 as of January 8th, 1969.

After consideration of the estimates of the monies that will have to be paid out during the current calendar year, your Sub-Committee is of the opinion that the sum of $500,000 of the Compensation Fund monies can be invested for a term of one year. It is recommended that this sum be invested in units of $100,000 each in bank deposit receipts or trust company guaranteed investment receipts for a period of one year at the prevailing rate of interest and that the choice of the banks and trust companies be made by the Chairman of the Finance Committee.

Your Sub-Committee is not in the position to make any recommendation at this time in respect to certain special trust funds, pending determination as to whether such funds are to remain within the Society or will be turned over to York University.

Approved

INVESTMENTS — *Compensation Fund*

Deposit receipts of $505,000.00 have matured. In accordance with the recommendations of the Sub-Committee on Investments, this money has been re-invested in a guaranteed deposit of $500,000.00 at 6¾% due February 9, 1970, with the Canadian Imperial Bank of Commerce, and a further guaranteed deposit of $5,000.00 at 6¾% for 21 days with the Canadian Imperial Bank of Commerce.

Approved

BUILDING COMMITTEE

The contract with the Society's architect, Mr. Arthur Heeney, for special services in connection with the renovation of the Law Society's building is before the Committee for approval.

In the original plans to renovate the Bar Admission Course premises no space from the Phillips-Stewart Library was included. Further development of the plans, however, include use by the Bar Admission Course of the upper floor of the Phillips-Stewart Library as a reading and study area. This plan entails flooring over the well, and air conditioning the upper floor at an additional cost of approximately $7,000.00. The Committee is asked to approve in principle this alteration of plan and the expenditure of the additional money.

Approved, subject to the approval of the Building Committee and of the Treasurer.

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE — Mr. Fennell

Your Committee met on the 13th day of February, 1969, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Gray MacKinnon, Maloney, O'Driscoll, Slemin and Strauss.

SUB-COMMITTEE REPORT ON "SOLICITOR (REAL ESTATE) COMMISSION PARTICIPATION"

At the June 1968 meeting, your committee considered a letter from Mr. S. E. Davey, Chief Inspector, The Real Estate & Business Brokers Act, wherein he asked your Committee's comments and a statement indicating the official position of the Society on a situation where a law firm had sought to participate in the commission paid by a Vendor to his Real Estate Broker.

The Professional Conduct Committee, in its September 1968 Report to Convocation, recommended that a Sub-Committee under the chairmanship of Mr. Nathan Strauss and including Messrs. Maloney and Pepper, be appointed to consider the question. Convocation approved your Committee's recommendation. Subsequently a Report was received from the Sub-Committee which recommended that steps be taken to point out to the profession that exemption by Section 18(g) of the Real Estate and Business Brokers Act which reads as follows:

s. 18 "registration shall not be required in respect of any trade in real estate by

(g) any person who is practising as a solicitor of the Supreme Court where the trade is made in the course of and as part of the solicitor's practice".

be confined to transactions in the course of and part of a solicitor's practice. Where tariff provisions similar to items 2 and 4 in the County of York Law Association Tariff are in effect and such a fee is charged, it should be made directly to the client. A conflict of interest can arise where a solicitor acting for one party is being paid by the other on a percentage basis. It is trite law that the person paid owes a duty to the person paying.

Your Committee has adopted this Report.

Your Committee also considered various enquiries from members of the profession and gave opinions on the problems raised.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on Thursday, the 13th of February 1969, the following members being present: Mr. Steele, Chairman, Messrs. Beament, Cassels, Chitty, Clement, Maloney and Strauss and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to January 31, 1969 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	13,726.96	1,516.42	52,363.12

Approved

GIFTS AND DONATIONS

The following gifts were received by the Great Library:

1. Handbook of Upper Canadian Chronology and Territorial Legislation; published by the Lawson Memorial Library of the University of Western Ontario as a Centennial Project — donated by Dr. Frederick H. Armstrong, Professor of History at the University of Western Ontario.

2. The Frontenac Law Association donated a number of law reports and treatises which were being discarded by its Library Committee.
3. A collection of statutes and reports were donated by the Corporation of the City of Sault Ste. Marie through Mr. J. Douglas Cameron, City Solicitor.

Noted

ANNUAL INVENTORY OF TEXT BOOKS

The annual inventory for the year 1968 shows that five text books were taken from the Great Library without permission and not returned. Of texts taken in previous years, 13 were returned in 1968.

Noted

BOOK LIST

A list of books ordered during the past month was presented for approval.

Approved

DISPLAY OF MICRO READERS

A representative from Recordak Canada Limited appeared before a combined meeting of this Committee and the Planning Committee and demonstrated how microfilm and micro readers could be used in connection with the publication of law reports. This process involves the reduction of reports to microfilm and the use of "Readers". This Company manufactures what is called the microfiche system and two different models of "Readers" were shown the Committee. The Committee anticipates viewing the various models produced by other companies with a view to determining the usefulness of this media to the profession.

COUNTY LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1968. The amount of the grant which they should receive under the Rules in 1969 and that which they received in 1968 are as follows:

	1969	*1968*
Cochrane	$ 975.00	$ 955.01
Dufferin	600.00	600.00
Grey	975.00	950.00

Hamilton	1,850.00	1,850.00
Middlesex	1,850.00	1,850.00
Oxford	1,075.00	1.000.00
Perth	1,060.00	915.00

Approved

INCREASE IN LAW SOCIETY GRANTS

At the request of a number of County Law Associations your Committee considered the matter of increasing the Law Society annual grants to County Law Associations. The Rules presently provide in effect for the annual grant to be an amount double the fees received by the Association from its members up to a maximum sum of $25.00 per annum for each member. To this amount is added an allowance for telephone and librarian's salary. The maximum grant payable (with the exception of the County of York Law Association) is $1,850.00 and in practice the minimum grant has been $600.00.

Your Committee recommends that the annual grant be increased by amending the Rules to provide for the grant to be paid up to a maximum of $35.00 per annum for each member rather than the present $25.00 and that the maximum grant payable (after adding telephone allowance and librarian's salary) be increased to $2,000.00 from $1,850.00 and the minimum grant be $750.00 rather than $600.00.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE — Mr. Bowlby

Your Committee met on Thursday, the 13th of February 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Henderson and Steele.

Your Committee considered two opinions of Counsel in respect of files referred to him at the January meeting. In the case of one file, Counsel was of the opinion that a prosecution would be unsuccessful and your Committee instructed that no further action be taken. In the case of the other file, however, Counsel recommended that proceedings be instituted and your Committee has now instructed Counsel to proceed. This latter file involves a non-solicitor representing himself to be a solicitor.

On the advice of Counsel, proceedings have now also been instituted against two non-solicitors in the Ottawa area for having acted on a real estate transaction. One of the accused is a Notary Public. This matter has not yet come to trial.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE — Mr. Callon

Your Committee met on Wednesday, the 12th day of February, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby and Levinter.

Solicitors Acting Under Legal Aid Certificates

Your Committee has now considered the matter of whether solicitors should be limited in the number of legal aid certificates they accept.

It is the recommendation of the Legal Aid Programme Committee that as a matter of policy, no solicitor shall accept more than 75 criminal certificates in any 12-month period.

Leases for Legal Aid Offices

The leases for the Provincial Director's office and the Area Director's offices were ratified by your Committee.

Public Relations

It is the feeling of your Committee that information pertaining to a particular legal aid area may be dealt with by the local Area Director. However, matters of policy affecting the general operation of the Plan should be dealt with by the Provincial Director, with the assistance of the Chairman of the Committee and the Treasurer of the Law Society, when necessary.

Your Committee instructed the Director to write the Secretary of the Law Society inviting the Public Relations Committee to express its views and give assistance on general policy affecting legal aid public relations.

Proposed Amendments to the Legal Aid Act and Regulation

G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments, and the Director, attended on L. R. MacTavish, Q.C., Senior Legislative Counsel, and T. F. R. Harcourt, office of the Legislative Counsel, on February 12th last, to review the proposed Bill and amended Regulation for submission to Cabinet.

It is anticipated that the Law Society's proposed legal aid amendments will receive Government approval within the next several months.

DIRECTOR'S REPORT

The Director submitted a report to the Committee pursuant to Section 83(2) of the Regulation.

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report for the month of January, 1969.

The Legal Accounts Officer informed the Committee that as a result of overtime and concentrated effort by his staff, the backlog of accounts has been caught up and his Department is now processing the accounts on a daily basis.

CONTROLLER'S REPORT

The Controller submitted a summary of applications for the 6 months period ended December 31st, 1968.

ATTACHMENT AND GARNISHEES OF SOLICITORS' ACCOUNTS

The Legal Accounts Officer informed the Committee that he has been in receipt of attachments and garnishees from debtors of various solicitors acting under legal aid certificates.

After a thorough discussion of this matter, your Committee instructed the Legal Accounts Officer to inform such a solicitor that the Legal Aid Plan will not tolerate the service of a garnishee or attachment and to warn the solicitor that his name could be removed from the legal aid panels.

CORRESPONDENCE

(a) Your Committee considered correspondence from the Deputy Area Director, York County, with respect to applicants who qualify for legal aid on a financial basis because they are *temporarily* in financial straits. The Deputy Area Director suggested that such applications be delayed where the financial embarrassment is temporary and will cure itself in reasonable time; particularly in such cases as divorce, application for custody and negligence actions.

Your Committee discussed this type of applicant, particularly in the light of seasonal employment and was of the opinion that if the Assessment Officer states the applicant can pay no part "at this time" the Area Director should review such applications with the Assessment Officer to determine when the applicant will be able to pay.

It was the opinion of your Committee that if the application is not urgent, a certificate should not issue.

(b) The Committee considered correspondence from the Deputy Area Director, York County, enquiring whether an Area Director can refuse a certificate under the new collection procedures on an indictable offence where the applicant has not fulfilled undertakings to make contributions to the Legal Aid Fund.

Your Committee reaffirmed its policy that a certificate must be issued to all financially eligible applicants charged with an indictable offence, or with respect to whom an application is made for a sentence of preventive detention or charged under the Extradition Act or the Fugitive Offenders' Act.

It is anticipated that not all such applicants will live up to their obligations; but a certificate should and must issue in appropriate cases.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed member of the Legal Aid Committee of the respective area:

Grey County

Michael C. Keon, Solicitor, Owen Sound
Donald M. McKerroll, Q.C., Owen Sound
Wallace L. Murray, Solicitor, Owen Sound
Frank W. Olmstead, Solicitor, Owen Sound
Mortimer A. Abrams, Q.C., Owen Sound
R. Philip Horton, Solicitor, Owen Sound
William P. Telford, Q.C., Owen Sound

Prescott & Russell Counties

Paul F. Lalonde, Solicitor, Hawkesbury

RESIGNATIONS:

Northumberland & Durham Counties

Benjamin C. Thompson, Q.C., Brighton

Prescott & Russell Counties
Rene Labrosse, Probation Officer

ASSISTANT PROVINCIAL DIRECTOR

Edmund L. Schofield, Solicitor, has been appointed Assistant Provincial Director, effective February 1st, 1969.

NON-RESIDENT APPLICATIONS

Your Committee considered 6 applications from non-residents requesting legal aid assistance in civil matters. These applications were dealt with in the following manner:

4 refused
1 approved
1 legal advice only

Your Committee considered 4 applications from Ontario residents for legal assistance in civil proceedings outside the Province. These applications were dealt with in the following manner:

3 refused
1 advised to apply to the Law Society of England

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

George Alexander Macklin, of Ottawa	Transfer — Alberta
Arnold Samuel Weinrib, of Toronto	Special, Faculty of Law, University of Toronto.

DISCIPLINE COMMITTEE

Re: HUGH BRENT LLEWELLYN JONES, Toronto

Mr. W. E. Harris presented the Report of the Discipline Committee:

As a result of a complaint received, the Society's Accountants were instructed to make an inspection of the Solicitor's books and the following Notice of Complaint was served upon the solicitor by registered mail in accordance with the Rule containing the following specific complaints:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that:

1. Between the 11th day of August 1965 and the 9th day of June 1967, both inclusive, you misappropriated from a trust bank account money held in trust for Mrs. Ruth Clarke totalling $4,975.00, more or less.
2. Contrary to Rule 6 of the Rules Respecting Accounts, during the period August 11th 1965 to July 31st 1968, you have failed to maintain at all times and particularly in the month of July 1968, sufficient money on deposit in your trust bank account to satisfy your indebtedness to Mrs. Ruth Clarke for trust funds.

This Notice of Complaint was returnable on Tuesday, the 12th day of November 1968. Your Committee met on this date, the following members being present: Mr. MacKinnon, Chairman, and Messrs. McLaughlin and Wilson. The Solicitor did not appear but was represented by Counsel who asked for and was granted an adjournment to Monday, the 25th day of November 1968.

Your Committee met again on Monday, the 25th day of November 1968, the following members being present: Mr. Levinter, Chairman, and Messrs. Seymour, Ford and Harris. The Solicitor attended with his Counsel, Mr. Robert F. Reid, Q.C.

Upon the evidence before it, your Committee finds Complaints 1 and 2 to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

The solicitor and his counsel, Mr. R. F. Reid, Q.C., attended.

Letters from Dr. Kenneth G. Gray and Dr. R. E. Turner were read and filed.

Mr. Reid addressed Convocation.

The Chairman of the Discipline Committee, Mr. W. G. Gray, Q.C., read letters addressed to the Society from Mr. R. D. Jennings, Q.C., and Mr. Colin M. A. Strathy, Q.C.

Messrs. Goodman, McCulloch and R. F. Wilson who were not present throughout consideration of this matter, did not participate in the discussion and did not vote.

Moved by Mr. O'Brien, seconded by Mr. Weir, that the Report be amended to find the solicitor guilty only of conduct unbecoming a barrister and solicitor.

The amendment was lost.

Moved by Mr. Cass, seconded by Mr. Dubin, that the Report be amended by substituting for the penalty recommended, a recommendation that the solicitor be allowed to resign his membership in the Society upon giving undertakings satisfactory to the Society.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

CONVOCATION ADJOURNED for luncheon at 12:35 p.m.

CONVOCATION RESUMED at 2:20 p.m., a quorum of more than ten being present.

Re: JOHN CHARLTON HANSELMAN, Delhi

Mr. Gray, Chairman, presented the Report of the Discipline Committee:

As a result of a complaint received the Society's Accountants commenced an inspection of the Solicitor's books and accounts. On the basis of an Interim Report of this inspection a Notice of Complaint was served upon the Solicitor by registered mail in accordance with the Rules containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Contrary to Rule 1 of the Rules Respecting Accounts, did receive the sum of $3,089.38, more or less, during the month of April 1968 from one W. G. Smith on behalf of one Katherine M. Summerville and failed to deposit forthwith the aforesaid sum in your trust bank account.
> 2. Commencing in the month of June 1959 did receive various sums of money totalling $13,779.38, more or less, from or on behalf of one Katherine M. Summerville for the purpose of investing in mortgages on her behalf and appropriated the said sums to your personal use. Notwithstanding this appropriation, you did from time to time lead the said Katherine M. Summerville to believe that the said sums were placed in mortgage loans on her behalf.
> 3. During the first half of the year 1965, did receive from or on behalf of one Mary Mile sums of money totalling $16,000.00, more or less, for investment purposes and

invested them in securities in which you had a personal interest, without disclosing that interest to the said Mary Mile in writing and without assuring that she had independent legal advice, contrary to Ruling 14 of the Rules of Professional Conduct.

4. On or about the 31st of March 1962, did receive the sum of $7,000.00, more or less, from or on behalf of one Minnie K. Smith for the purpose of investing in a mortgage on her behalf and did appropriate the said sum to your personal use. Notwithstanding this appropriation, you did from time to time lead the said Minnie K. Smith to believe that the said sum was placed out in a mortgage loan on her behalf.
5. Contrary to Rule 3 of the Rules Respecting Accounts, have drawn money from your trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to you.
6. Contrary to Rule 6 of the Rules Respecting Accounts, did fail to maintain at all times, and particularly in the month of May 1968, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds.
7. Contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed to maintain proper books of account as required by those Rules."

This Notice of Complaint was returnable on Tuesday, the 29th day of October 1968, at 10:30 o'clock in the forenoon. Your Committee met at this time, the following members being present: Mr. Common, Chairman, and Messrs. Henderson and Strauss. Mr. Ian Scott appeared as Counsel for the Society and Mr. Douglas Laidlaw appeared as Counsel for the Solicitor. The Solicitor did not attend. At Mr. Laidlaw's request an adjournment was granted to Tuesday, the 3rd day of December, 1968, at 10:30 o'clock in the forenoon. Your Committee met again on the adjourned date, the following members being present: Mr. Strauss, Chairman, and Messrs. Slemin, Henderson and Estey. The Society and the Solicitor were represented by Counsel as before.

Upon the evidence before it your Committee finds all of the Complaints on the Notice of Complaint to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

The solicitor attended with his counsel, Mr. Douglas K. Laidlaw, Q.C. who addressed Convocation.

Mr. Bowlby who was absent while some of the submissions were made by counsel, took no part in the discussion and did not vote.

The solicitor and his counsel retired, and Convocation considered the Report.

The Report was adopted.

IT WAS ACCORDINGLY ORDERED

1. THAT the Report of the Discipline Committee in the matter of JOHN CHARLTON HANSELMAN, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JOHN CHARLTON HANSELMAN guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said JOHN CHARLTON HANSELMAN be disbarred.
4. THAT the said JOHN CHARLTON HANSELMAN is unworthy to practise as a solicitor.

General Report

Mr. Gray, Chairman, presented the General Report of the Discipline Committee:

Your Committee met on Thursday the 13th of February 1969 at 10:30 o'clock in the forenoon, the following members being present: Mr. W. G. Gray, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Beament, Bowlby, Cass, Chappell, Henderson, Levinter, MacKinnon, Maloney, O'Driscoll, Pepper, Slemin, Steele, Strauss and Thom.

1. It was brought to your Committee's attention that, during the past two years, the Society has received a number of letters of complaint concerning certain members practising in a specific locality outside Toronto. The bulk of these letters of complaint deals with alleged lack of diligence in the handling of clients' affairs. Your Committee has decided that the members concerned should be asked to attend before it at a convenient time to discuss the problems which may have given

rise to the letters of complaint and to attempt to assist in the solution required.

2. Your Committee considered whether there should be a minority report in the report of the Discipline Committee if the members sitting on a hearing were not unanimous as to findings or to recommendations. It was your Committee's opinion that the objections of the minority may be recorded in the Committee's report to Convocation.

THE REPORT WAS ADOPTED.

COMPENSATION FUND REPORT

Mr. Gray, Chairman, presented the Report of the Compensation Fund to the 31st January 1969.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON PLANNING — Mr. Fennell

Your Committee met on Thursday, the 13th of February 1969, the following members being present: Mr. Fennell, Chairman, and Messrs. Beament, Chappell and Steele, and Miss R. McCormick.

Your Committee accepted an invitation from the Libraries and Reporting Committee to join with them in viewing a demonstration on the use of microfilm and micro readers in connection with the publication of law reports. This demonstration was put on by a representative of Recordak of Canada Limited. Your Committee has made a memo of this demonstration for future reference but decided that any further study of this media in respect of its application to law libraries throughout Ontario be left for the Libraries and Reporting Committee to pursue.

Your Committee has made certain inquiries into the research being conducted in respect of the computer and the insertion and retrieval of case law, statutes, etc. A summary of this research has now been prepared and is being distributed to the members of the Committee.

Your Committee has been considering the matter of law office management and the various technological advances made in respect of law office equipment but understands that the Ontario section of the Canadian Bar Association has done considerable research in this area and also in the area of law office management systems. Your Committee therefore decided to discontinue any further study in this connection and to leave the matter to the Canadian Bar Association to pursue as it sees fit. The Secretary was instructed to write and so advise the Association.

Your Committee has made certain inquiries into the use of Telex in the law office and has now accepted an invitation to attend at a demonstration of this media of communication. A tentative date for this demonstration is the afternoon of Wednesday, 9th April 1969.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer read the following correspondence:

Letters from Dean Maxwell Cohen, Mr. J. J. Saucier, President, C.B.A., and the Honourable Mr. Justice Martland, thanking the Treasurer and Benchers for entertaining them at luncheon on January 17, 1969.

Letter from Mr. J. D. Arnup thanking the Benchers for their "get well" gift following his eye operation.

Ordered that this correspondence be received and filed.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 21st day of March, 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Wednesday, 26th February 1969
10 a.m.

PRESENT:

The Treasurer, and Messrs. Beament, Cass, Chitty, Estey, Evans, Goodman, Gray, H. E. Harris, MacKinnon, O'Brien, Pepper, Raney, Robins, Slemin, Thom, and R. F. Wilson.

The Treasurer reviewed the development of the draft new Law Society Act, and drew attention to a number of suggestions which had been received from members of the profession and from some judges. He referred particularly to the following resolutions which were passed at the Society's Annual Meeting in Windsor on the 8th February 1969, but pointed out that the members as a whole had not received notice that they were to be considered at the Annual Meeting:

RESOLUTION 2 (a)

That the number of elected Benchers be increased from thirty to fifty.

RESOLUTION 2 (b)

That the present Life Benchers retire at age 75 and that no further Life Benchers be created except that the present Treasurer and all future Treasurers shall be Benchers until the age of 75 without further election.

RESOLUTION 2 (c)

That the term of office of elected Benchers shall be reduced from five years to three years.

RESOLUTION 2 (d)

That the Law Society shall be composed of the Treasurer and Benchers and other members.

RESOLUTION 2 (e)

That there shall be an annual meeting of the members of the Law Society.

RESOLUTION 2 (f)

That the Law Society be empowered to insure and to procure and arrange insurance for its members against all kinds of liability.

Moved by Mr. Pepper, seconded by Mr. Chitty, that the resolutions passed at Windsor at the Annual Meeting of the Society receive the serious consideration of Convocation on the basis that the resolutions are persuasive but not binding.

Carried

LEGISLATION AND RULES COMMITTEE — Mr. Wilson

Your Committee met on Friday the 14th February 1969 at 2:00 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson, Chairman, Mr. E. A. Goodman, Vice-Chairman, and Messrs. Chappell, Evans, O'Brien, Robins, Sheard and Howland. On Thursday the 20th of February, 1969, your Committee met at 4 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson, Chairman, Mr. E. A. Goodman, Vice-Chairman, and Messrs. Evans, O'Brien, Robins and Howland.

Your Committee considered the resolutions passed at the Society's Annual Meeting and other suggestions from members of the Society and judges and, in the light of these, reviewed the draft Law Society Act.

Your Committee recommends the following amendments to the draft:

PROPOSED NEW LAW SOCIETY ACT

Changes Recommended by the Legislation and Rules
Committee in the Printed Draft approved by
Convocation on November 15, 1968

SECTION 2

Section 2 is struck out and the following substituted:

The Law Society of Upper Canada authorized to be established by an Act of Parliament of Upper Canada passed in the thirty-seventh year of the reign of his late Majesty George III and incorporated by an Act of Parliament of Upper Canada passed in the second year of the reign of his late Majesty George IV, is hereby continued as a corporation without share capital composed of the Treasurer, the Benchers and the other members from time to time.

SECTION 3

Section 3 is struck out and the following substituted:

A meeting of the members shall be held annually in such place and at such time as the Benchers in Convocation from time to time determine.

SECTION 6 (1)

Section 6 (1) is struck out and the following substituted:

The Society may purchase, acquire, take by gift, bequest, devise, donation or otherwise any real or personal property for its purposes, and it may hold, sell, mortgage, lease or dispose of its real or personal property.

SECTION 9

Section 9 is struck out and the following substituted:

The Benchers shall govern the affairs of the Society including the call of persons to practise at the bar of the courts of Ontario and the admission and the enrolment of persons to practise as solicitors in Ontario.

SECTION 10

Section 10 is struck out and the following substituted:

Every person,

(a) who is an honorary Bencher on the day this Act comes into force; or

(*b*) who after that day is made an honorary Bencher in accordance with the rules,

is an honorary Bencher but as such has only the rights and privileges prescribed by the rules.

SECTIONS 11, 12, 13 and 14

Sections 11, 12, 13 and 14 are struck out and the following substituted:

11. (1) The following, if and while they are members, are *ex officio* Benchers:

1. The Minister of Justice and Attorney General for Canada.
2. The Solicitor General for Canada.
3. The Minister of Justice and Attorney General for Ontario and every person who has held that office or the office of Attorney General for Ontario.
4. Every person who was elected a Bencher at four quinquennial elections and became a Bencher *ex officio* under paragraph 4 of section 5 of *The Law Society Act* as it was before it was re-enacted in 1964.
5. Every person who was elected a Bencher at three quinquennial elections and served as a Bencher for fifteen years and became a Bencher *ex officio* under paragraph 4 of section 5 of *The Law Society Act* as re-enacted in 1964.
6. Every person who is elected a Bencher at three elections and serves as a Bencher for fifteen years before the election in 1975.
7. Every person who is elected a Bencher at four elections and who serves as a Bencher for sixteen years.

(2) An *ex officio* Bencher under subsection 1 has all the rights and privileges of an elected Bencher, except that an *ex officio* Bencher does not have a right to vote at Convocation or in a committee of Benchers.

(3) An elected Bencher who becomes qualified as an *ex officio* Bencher under subsection 1 may if he chooses, continue as an elected Bencher and be re-elected in any subsequent election of Benchers without prejudice to his right to become an *ex officio* Bencher at any time so long as he is still an elected Bencher.

12. (1) Every member who has held the office of Treasurer or who is elected as Treasurer is a Bencher *ex officio* with all the rights and privileges of an elected Bencher.

(2) Every person to whom subsection 1 applies shall, upon attaining the age of seventy-five years, continue to be a Bencher *ex-officio* with all the rights and privileges of an elected Bencher, except that he no longer has a right to vote at Convocation or in a committee of Benchers.

13. (1) An election of Benchers shall be held in 1971 and in every fourth year thereafter at each of which forty Benchers shall be elected by secret ballot from and by the members in accordance with this Act and the rules.

(2) Twenty of the forty Benchers mentioned in subsection 1 shall be members whose addresses on the records of the Society on the last day for nominations are within The Municipality of Metropolitan Toronto as it is constituted from time to time.

(3) Twenty of the forty Benchers mentioned in subsection 1 shall be members whose addresses on the records of the Society on the last day for nominations are outside The Municipality of Metropolitan Toronto as it is constituted from time to time.

14. Until the election of Benchers in 1971, the Benchers shall be governed as though this Act had not been passed.

SECTION 20

Section 20 is struck out and the following substituted:

In case of failure to elect the requisite number of qualified Benchers or in case of a vacancy, the remaining Benchers shall as soon as convenient supply the deficiency in the number of Benchers or fill the vacancy by electing at a meeting of Convocation the requisite number of qualified members as Benchers, and the Benchers so elected shall, subject to this Act, hold office until their successors take office.

SECTION 21

Section 21 is struck out and the following substituted:

The Benchers may remove from office any elected Bencher who fails to attend six consecutive general meetings of Convocation.

SECTION 22 (2)

Section 22 (2) is struck out and the following substituted:

No disciplinary matter shall be dealt with at Convocation unless fifteen or more Benchers are present.

SECTION 23

Section 23 is struck out and the following substituted:

(1) In any hearing, inquiry or other proceeding under this Act, the Society has the same power to enforce the attendance of witnesses and to examine them under oath and to require them to produce documents and things as is vested in the Supreme Court.

(2) A summons under the seal of the Society and signed by the Treasurer or the Secretary for the attendance of a witness has all the force of a subpoena, and any witness not attending in obedience thereto is liable to attachment upon application to the Supreme Court.

SECTION 29

Section 29 is struck out and the following substituted:

The membership of any member or former member who has assumed office or hereafter assumes office as,

(*a*) a full-time judge under any Act of the Parliament of Canada; or

(*b*) a full-time judge under *The Provincial Courts Act, 1968* or *The Division Courts Act;* or (*c*) Senior Master or a full-time Master or a full-time Assistant Master of the Supreme Court at Osgoode Hall,

is, while he continues in any such office, in abeyance, and, upon his ceasing to hold such office, shall be restored by his giving notice in writing to such effect to the Secretary.

SECTION 30 (2)

Section 30 (2) is struck out and the following substituted: Any person whose membership terminated under subsection 1 may, upon again becoming a Canadian citizen or other British subject, make application for re-admission as a member and the Benchers in Convocation may re-admit him.

SECTION 36 (1)

Section 36 (1) is struck out and the following substituted: Any member who has been found guilty under section 34 or any student member who has been found guilty under section 35 and, in either case, has been ordered to be reprimanded in committee, may appeal from the order of reprimand to the Benchers in Convocation within fifteen days from the day upon which he is served with the order of the committee.

SECTION 41

Section 41 is struck out and the following substituted:

(1) Any person against whom an order has been made under section 31, 32 or 33 or any person against whom an order, other than an order of reprimand in committee, has been made under section 35 or any person whose punishment has been ordered to be increased under subsection 3 of section 36 may appeal from the order to the Court of Appeal within fifteen days from the day upon which he is served with the order.

(2) Upon the request of any person desiring to appeal and upon payment of the cost thereof, the Secretary shall furnish such person with a certified copy of all proceedings, evidence, reports, orders and papers received as evidence by the Benchers in Convocation and any committee thereof in dealing with and disposing of the matter complained of.

(3) If the appellant fails to pay the cost of the certified copy and the cost of such additional copies of the

evidence as may be reasonably required for the purposes of the appeal within fifteen days after written demand from the Secretary, the appeal shall be deemed to be abandoned.

(4) An appeal under this section shall be by motion, notice of which shall be served upon the Secretary, and the record shall consist of a copy, certified by the Secretary, of the proceedings before the Benchers or committee thereof, the evidence taken, the report of the Benchers or committee thereof and all decisions, findings and orders of the Benchers or committee thereof in the matter.

(5) Except as otherwise provided, appeals under this section shall be in accordance with the practice in appeals from the decision or order of a judge of the Supreme Court.

(6) Upon the hearing of an appeal under this section the Court of Appeal may make such order as the court deems proper or may refer the matter or any part thereof back to the Benchers with such directions as the court deems proper.

(7) The Court of Appeal may make such order as to the costs of the appeal as the court deems proper.

SECTION 48

Section 48 is amended by inserting the following as subsection 9 and renumbering the present subsections 9 and 10 as 10 and 11:

(9) Where a grant has been made under this section and the dishonest member has been declared a bankrupt, the Society is entitled to prove against the bankrupt's estate for the full amount of the claim of the person to whom the grant was made and to receive all dividends on such amount until the Society has been re-imbursed the full amount of the grant.

SECTION 50 (1) 6

Section 50 (1) 6 is struck out and the following substituted:

6. providing for the time and manner of and the methods and procedures for the election of Benchers;

SECTION 50 (1)

The following is added as a paragraph and the subsequent paragraphs renumbered accordingly:

15. respecting insurance covering professional negligence, prescribing premiums or levies payable by members or any class of them and providing for the payment and remission thereof and exempting any class of members from all or any part of such premiums or levies;

SECTION 50 (1) 32

Section 50 (1) 32 is struck out and the following substituted:

32. respecting the reporting and publication of the decisions of the courts;

Convocation considered the Report clause by clause, and made the following suggestions and amendments:

RE SECTION 3

Convocation suggests Mr. L. R. MacTavish, Q.C. be asked to consider using the word "Convocation" instead of either "meeting of Convocation" or "Benchers in Convocation" wherever such expressions occur.

RE SECTION 11 (1)

Moved by Mr. O'Brien, seconded by Mr. Goodman, that new sub-subsections be added after subsection (3) to include those who became benchers ex officio under subsections (5) and (6) of section 5 of The Law Society Act as it was before it was re-enacted in 1964. *Carried*

(2) Moved by Mr. O'Brien, seconded by Mr. Goodman, that subsection (2) of section 11 be re-drafted as follows:

"(2) An ex officio bencher under subsection (1) shall have the rights and privileges prescribed by the Rules, except that after the election of benchers in 1971 an ex officio bencher shall not have the right to vote at Convocation or in a committee of benchers."

Carried

(3) Moved by Mr. O'Brien, seconded by Mr. Goodman, that in the 4th line thereof the words "is eligible to" be added after the word "and", so that the line will read:

" . . . bencher and is eligible to be re-elected in any subsequent . . . "

Carried

RE SECTION 12 (2)

Moved by Mr. Robins, seconded by Mr. O'Brien, that the words "of an elected bencher" in the 4th and 5th lines thereof, be deleted and the following words substituted therefor: "prescribed by the Rules", so that the lines will read:

> " . . . with all the rights and privileges prescribed by the Rules except that he no longer has . . . "

Carried

RE SECTION 14

Moved by Mr. O'Brien, seconded by Mr. Robins, that section 14 be amended to read:

> "14. Benchers elected at the election in 1966 or thereafter shall continue in office until those elected at the election of benchers in 1971 take office."

RE SECTION 22 (1) and (2)

Moved by Mr. O'Brien, seconded by Mr. Goodman, that in each subsection the words "and entitled to vote", be added after the word "present".

Carried

RE SECTION 23 (1)

Moved by Mr. O'Brien, seconded by Mr. H. E. Harris, that the words "or other proceeding" be stricken from the first line thereof.

Carried

RE SECTION 29

Moved by Mr. O'Brien, seconded by Mr. R. F. Wilson, that the Treasurer be given power to make minor changes in Section 29 after consultation with the judges.

Carried

RE SECTION 36 (3)

Moved by Mr. O'Brien, seconded by Mr. Pepper, that subsection (3) of Section 36 be amended by striking out the words "or increase" in the last line thereof, so that the line will read:

> " . . . vary the punishment imposed by the Committee".

Carried

Convocation adjourned for luncheon at 12:45 p.m.

Convocation resumed at 2:15 p.m., a quorum being present.

Re Section 37

Moved by Mr. Gray, seconded by Mr. Cass, that all the words following the word "guilty" in line 7, be deleted.

Carried

Re Section 42

Moved by Mr. O'Brien, seconded by Mr. Pepper, that the present section be numbered "42 (1)", and that a second subsection be added as follows:

> "(2) Where an appeal under Section 41 is pending, the Order of the Society shall not thereby be stayed but an application may be made to a judge of the Court of Appeal for a stay pending the disposition of the appeal upon such terms and conditions as the judge deems proper."

Carried

Moved by Mr. O'Brien, seconded by Mr. Gray, that a section be added to enable the Society to make arrangements for indemnity for professional liability for its members and for the payment of premiums therefor, the final wording to be left to the Treasurer and the Chairman of the Legislation and Rules Committee.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

Moved by Mr. Beament, seconded by Mr. O'Brien, that subsubsection (11) of subsection (1) of Section 50 be amended to deal with benchers ex officio in addition to honorary benchers and honorary members.

Carried

Convocation then discussed how the profession would be advised of the changes made to the draft since the printed draft was distributed in December 1968. The matter was left to the Treasurer in the light of the discussion to advise the profession generally, and to communicate with each County and District Law Association setting a date by which further suggestions should be made on the assumption that those who did not reply would be taken to approve.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 21st day of March 1969.

W. G. C. HOWLAND,
Treasurer

MEETING OF CONVOCATION

Friday, 21st March 1969
10 a.m.

PRESENT:

The Treasurer, and Messrs. Beament, Callon, Cass, Chappell, Chitty, Evans, Gray, W. E. Harris, Levinter, MacKinnon, O'Brien, O'Driscoll, Pattillo, Robinette, Robins, Sheard, Slemin, Steele, Strauss, Weir and R. F. Wilson.

The Minutes of the meetings of February 21st and February 26th, 1969, were read and confirmed.

The Treasurer reported to Convocation that he had been advised by the Deputy Minister of University Affairs by letter dated the 4th March 1969, that the Society would be receiving an operating grant of $200,000.00 in respect to the Bar Admission Course, payable in twelve monthly instalments between July 1969 and June 1970.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Tuesday, 11th March, 1969, at 10:00 a.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Gray, Pattillo and Thom.

BAR ADMISSION COURSE

EXAMINATION RESULTS — TENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examinations is before the Committee, showing that 51 have passed with Honours, another 349 have passed and 10 have failed.

AWARDS

The following students are entitled to prizes:

The Treasurer's Medal
Donald Harris Lapowich

The Law Society First Prize — $300
Donald Harris Lapowich

The Law Society Second Prize — $200
Barry Steven Wortzman

The Law Society Third Prize — $100
Patricia Frances Foran

The Lawyers Club First Prize — $100
Donald Harris Lapowich

The Lawyers Club Second Prize — $50
Barry Steven Wortzman

The Criminal Procedure Prize — Textbook and Balance of Trust Income — donated by Joseph Sedgwick, Esq., Q.C.
Michael Henry Caney

The Commercial Law and Company Law Prize — $250 — donated by Messrs. Day, Wilson, Campbell & Martin
Edward Thomas McDermott

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning

Patricia Frances Foran	$69
Kenneth Louis Saltzman	$69
George Dickson Elliott	$69

Approved

PETITIONS

Ten students did not pay their fees for call to the Bar and admission as solicitors by the prescribed date of the 1st of March and petition to be allowed to pay their fees now and to be eligible to be called to the Bar on the 21st of March, 1969. *Approved*

Your Committee met again on Thursday, 13th March, 1969, at 2:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Callon, Cass, Henderson, Pattillo, Sheard, Slemin, Thom and Weir.

PETITIONS

Six students who had failed the Bar Admission Course filed petitions, and all but one appeared before the Committee to make submissions.

Your Committee considered carefully all of the petitions and the position of those who had failed who had not filed petitions. Your Committee recommends that in each case the petition be refused.

APPROVED LAW COURSES — ENTRANCE REQUIREMENTS

At present the minimum requirement for admission to an approved law course is

(a) Successful completion of two years in an approved course in an approved university after senior matriculation; or

(b) Successful completion of three years in an approved course in an approved university after junior matriculation.

A degree in an approved course in an approved university, of course, satisfies the minimum requirement.

Mr. T. H. Fleming has applied to enter the first year of the LL.B. course at Queen's University, and the University has recommended that he obtain from the Society a ruling whether his graduation as a Chartered Accountant satisfies the minimum standard for admission to the approved law course. Mr. Fleming became a Chartered Accountant in 1963 and is presently a partner in the firm of Dunwoody and Company.

A letter from Mr. Fleming and one from Dean Soberman are before the Committee.

Your Committee recommends that he be advised he cannot comply with the pre-law requirements prescribed by the Society's regulations.

APPROVED LAW SCHOOLS CURRICULUM

Submissions are before the Committee in which the Deans of the approved Ontario law schools suggest changes in the requirements of the Society for approval of law courses for admission of their graduates into the Bar Admission Course.

Approved

ADMISSIONS COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 13th of March, 1969, at 2:00 p.m., the following members being present: Mr. A. S.

Pattillo, Chairman, Mr. S. D. Thom, Vice-Chairman, and Messrs. Callon, Robins, Sheard and Slemin.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Bar Admission Course

A list is submitted of 397 candidates who have successfully completed the Tenth Bar Admission Course, have filed the necessary documents and paid the required fee of $210.00, and who now apply for call to the Bar and to be granted Certificates of Fitness. *Approved*

DIRECT TRANSFER

Theodore Earl Margeson (B.A. Mount Allison 1959; LL.B. Dalhousie 1965) was called to the Bar in Nova Scotia and admitted as a solicitor on the 4th of February 1966. Mr. Margeson practised in Nova Scotia continuously until the 5th of February 1969. He presents a Certificate of Good Standing and seeks to proceed under Regulation 2. *Approved*

UNITED KINGDOM SOLICITOR

William Thomas Howell has produced a current practising certificate as an English solicitor and asks to be allowed to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFER

Rameshwar Lall Gupta first applied to the Admissions Committee in March, 1967, and was approved for entrance into the Bar Admission Course but was unable to proceed then. He re-applied to enter the 1968 Bar Admission Course and was approved but again was unable to proceed. Mr. Gupta now asks permission to enter the 1969 Bar Admission Course. *Approved*

Chaudhury Nawal Kishore Prasad (B.A. degree Patna University, India, 1943; LL.B. degree Patna University 1946) started practice as a Pleader in Courts subordinate to Patna High Court and practised till 1953 when he was enrolled as an Advocate in the High Court of Judicature at Patna and has practised continuously in Patna to the present. He seeks to proceed under Regulation 10(b).

At the January meeting of the Committee it was recommended that this matter stand to get Certificates including current Practising Certificate. The Certificates are now before the Committee. *Approved*

PETITION

Gerald Ellis (B.A. Sir George Williams College 1954; B.C.L. University of McGill 1957) was commissioned as a Notary in 1958. He seeks admission to the Bar Admission Course and contends that Notaries of the Province of Quebec should be eligible to enter the Bar Admission Course in Ontario in the same manner as Barristers from Quebec. Mr. Ellis presents letters from Robert Leveque, Esq., Q.C., Secretary-General of the Bar of the Province of Quebec, Professor Maxwell Cohen, Dean, Faculty of Law, McGill University, and Louis Orenstein, Esq., Q.C., a pamphlet and a copy of Bill 96 "Notarial Act".

Your Committee recommends that Messrs. Robins, Thom and Sheard be appointed a Sub-Committee to examine and report back on whether the Society's Regulations should be amended to provide for the transfer of Notaries from Quebec to practice in Ontario; Mr. Ellis to be advised that the Society's Regulations will be reviewed and that his application will stand pending completion of the review.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Toronto, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Associate Professor Stuart Gordon MacKinnon, B.Sc., LL.B., LL.M. Admitted to Nova Scotia Bar in 1963.

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on the 13th day of March 1969, the following members being present: Messrs. Sheard, Chairman, Beament, Vice-Chairman, Pepper and Weir.

ACCOUNTS

The Secretary reports that from the 1st February to the 28th February 1969 accounts, including Library Accounts, properly approved, to the amount of $69,397.22 have been paid. *Approved*

Financial Statement, 1st July 1968 to 28th February 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1968 to the 28th February 1969. *Approved*

Rolls and Records

The Secretary reports:

(1) *Appointment to the Bench*

That the following former member of the Law Society has been honoured in his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

Leon Lalande, Montreal, P.Q.	Called — 20 November 1930. Appointed Puisne Judge, Superior Court, District of Montreal, Feb. 20/69.

(2) That the following former members of the Law Society have died:

George M. Burr, Fort Frances	Called—16 October 1924; Deceased—10 February 1969.
P. E. F. Smily, Q.C., Toronto (Honorary Life Member)	Called—16 September 1915; Deceased—6 March 1969.

(3) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

John C. Hanselman, Delhi	Called—16 June 1938; Disbarred — Convocation, 21 February 1968.

Noted

Resignations

Your Committee, having considered the material filed under the relevant Rule, recommends that the resignations of the following members be accepted:

Elton Ray Meredith, Orillia. Called—18 October 1928.

Arthur Wyckoff Rogers, Q.C., Toronto.
Called—2nd April 1922 (Ontario)

LIBRARIES AND REPORTING COMMITTEE

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1968. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this Date.

Increase in grants to Law Associations

The Finance Committee is asked to approve the recommendations of the Libraries and Reporting Committee that the Law Society grants to the County and District Law Associations be increased, which would result in an increase in their grants for the year 1969-70 of approximately $10,000.00.

Approved

ARREARS OF ANNUAL FEES

The Secretary submits a list of 138 members who are in arrears for fees, of whom 17 are in arrears for more than one year and are therefore liable to suspension.

Your Committee recommends that a letter be written to all members in arrears for fees for a period of more than one year, informing them that unless their arrears are paid by April 7th, 1969, a notice will be served on them notifying them that a resolution as to their suspension from practice will be considered at the meeting of Convocation to be held on the 18th April 1969.

J. S. DENISON ESTATE

The Society has received from the Trustees of the Estate of the late J. S. Denison, a former Treasurer of the Society, the assets representing the residue of his Estate on the death of the life tenant, his sister. The assets have an approximate value in excess of $185,000.00 securities and $5,005.00 in cash. A. E. Ames & Company have been asked to review the investments and make recommendations with respect to them.

Your Committee recommends that the Treasurer appoint a Special Committee to make recommendations with respect to any payments to beneficiaries out of the fund, and suggests that Mr. P. B. C. Pepper might be chairman as he was associated with Mr. Denison and knew his wishes.

INVESTMENTS—*Compensation Fund*

$150,000.00 guaranteed deposit, Canadian Imperial Bank of Commerce, matured on the 5th March, and on the instructions of the Chairman of the Finance Committee, $200,000.00 was invested in a guaranteed deposit for one year at 6¾%.

Approved, on the understanding that the whole or part of this sum can be withdrawn at any time without reducing the rate of interest.

Your Committee further recommends that the $500,000.00 guaranteed deposit, 6¾%, due February 9, 1970, be extended to a two-year period at 7¼%.

ARCHITECTURAL CONSERVANCY OF ONTARIO

A letter has been received from Miss Isobel E. Coulthard, Programme Convenor, dated March 6, 1969, inquiring if a tour of Osgoode Hall (the Law Society portion of the building and the Courts), could be arranged for their members, and if possible of the new Court House, for some evening or weekend, perhaps during the month of April.

Your Committee recommends that Miss Coulthard be advised that the Society will be pleased to arrange such a tour of its portion of the building; but that they will have to make their own arrangements for a tour of the Courts.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON ESTATE (1969)

Pursuant to the recommendation of the Finance Committee, the Treasurer has appointed the following new Special Committee on J. Shirley Denison Estate: Messrs. P. B. C. Pepper, (Chairman), R. W. Cass, Cassels, Sheard, and Steele.

DISCIPLINE COMMITTEE—Mr. Gray

GENERAL REPORT

Your Committee met on Thursday, March 13th, 1969, at 10:00 a.m., the following members being present: Mr. W. Gibson Gray, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Beament, Bowlby, Cass, Goodman, H. E. Harris, W. E. Harris, Henderson, Levinter, MacKinnon, O'Driscoll, Pepper, Robins, Slemin, Strauss and Thom.

In its February Report to Convocation, your Committee made a recommendation as to whether a lawyer who is a partner of or associated with a Bencher should act as counsel to the Discipline Committee or a solicitor appearing before the Discipline Committee. Convocation referred the matter back to your Committee for further consideration. Your Committee recommends that a lawyer should not act as counsel to the Discipline Committee nor should he act as counsel for a solicitor appearing before the Discipline Committee if he is a partner of or associated with a Bencher.

THE REPORT WAS ADOPTED.

RE: JOHN LEE CHAPMAN, Sudbury

As a result of a complaint received the Society's Accountants commenced an inspection of the Solicitor's books and on the basis of their Report the following Notice of Complaint was served upon the Solicitor by registered mail in accordance with the Rules:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. contrary to Rule 3 of the Rules Respecting Accounts, have drawn money from your trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;
> 2. contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times and particularly in the month of October 1968, sufficient money on deposit in your trust bank account with which to satisfy your indebtedness to clients for trust funds."

This Notice of Complaint was returnable on Monday, the 17th day of February, 1969 at 10:00 a.m. Your Committee met on this date, the following members being present: Mr. McCulloch, Chairman, and Messrs. Strauss and Cass. The Solicitor appeared without counsel and confirmed receipt of the Notice of Complaint. The Solicitor then admitted that the Society's Report of his books and accounts was correct.

Upon the evidence before it, your Committee finds both complaints on the Notice of Complaint to be established. In view of all the circumstances your Committee recommends that the Solicitor be permitted to resign his membership in the Law Society of Upper Canada.

The solicitor attended with his counsel, Mr. John Hawkins, who made submissions to Convocation.

Convocation voted to adopt the Committee's recommendations provided the solicitor agreed to give his undertaking not to apply to be re-admitted in the future, to resign as a notary public, not to work in a law office, and to submit a formal request to be allowed to resign his membership in the Society, all of which were to be given in writing in a form acceptable to the Society.

The solicitor returned, was informed of Convocation's decision, and gave the required undertakings.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 12th day of March, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Cass, Fairbairn, Levinter and O'Driscoll.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 83(2) of the Regulation.

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report for the month of February, 1969.

CONTROLLER'S REPORT

The Controller submitted a summary of applications for the 10 months period ended January 31st, 1969.

REMOVAL OF A SOLICITOR FROM LEGAL AID PANELS AS PROVIDED FOR UNDER SECTION 29(2) OF THE REGULATION

On January 8th, 1969, a Notice to the Profession was published in the Ontario Reports concerning the professional conduct of Joel Phillip Freedman, Solicitor.

The Discipline Committee found Mr. Freedman guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that he improperly solicited business in the month of May and June, 1968, contrary to the Rules of Professional Conduct. The solicitor appeared before Convocation on January 8th, 1969 and was reprimanded and required to pay the costs of the Society's investigation amounting to $2,013.27.

As a result of the Discipline Committee hearing, the Provincial Director retained J. A. Hoolihan, Q.C., with reference to proceedings to remove the name of Joel Phillip Freedman from all Legal Aid Panels, pursuant to Section 29(2) of the Regulation.

A notice of the hearing was served on Joel Phillip Freedman on February 7th to appear before the Director on Tuesday, February 25th, 1969 to show cause why his name should not be removed from the said panels. Mr. Freedman was represented by Austin Cooper, Q.C., who requested an adjournment on behalf of his client until the 10th day of March, 1969.

As a result of the March hearing, the Director made the following Order:

> "Having heard and considered the evidence and what was submitted by counsel, it is ordered that Joel Phillip Freedman, Solicitor, be removed from all Legal Aid Panels.
>
> This Order is made subject to the approval of the Legal Aid Programme Committee pursuant to Section 29(2) of the Legal Aid Regulation."

Your Committee approved the Director's Order and instructed him to remove Joel Phillip Freedman, Solicitor, from all Legal Aid Panels as of the 10th day of March, 1969.

POLICY WITH RESPECT TO REMOVAL OF SOLICITORS FROM LEGAL AID PANELS

The Committee recommends to Convocation that the following policies be adopted:

1) When the Director receives information that a solicitor's conduct under the Legal Aid Plan is unethical or improper, the Director may retain counsel and institute the necessary proceedings under Section 29(2) of the Regulation to remove for cause the name of the Solicitor from all Legal Aid Panels prior to any action being taken by the Discipline Committee of the Law Society.

2) When information comes to the attention of the Legal Aid Programme Committee that a solicitor has fraudulently or improperly received or attempted to receive monies from

the Legal Aid Fund under the Act, the Legal Aid Programme Committee should be empowered to take appropriate steps to deal with the matter either criminally or civilly, or both, with the approval of the Treasurer.

STUDENTS ACTING UNDER LEGAL AID

At its February, 1969 meeting, the Committee considered correspondence from Gordon A. Russell, Q.C., who requested permission to use a student in legal aid matters.

The Committee reaffirmed the general policy that there is no authority to pay students under the Legal Aid Plan; a student should be entitled to work under the supervision of his principal but only in those matters in which students normally participate — ancillary services customary to the solicitor's practice.

PRIVATE INVESTIGATORS

Your Committee wishes to maintain the requirement that the Director's approval is necessary before any investigators may be employed.

MISS LOIS BECKETT RE POLICE COMMISSION, SAULT STE. MARIE

At its meeting in December, 1968 the Committee reviewed correspondence requesting the Fund to share the cost of arbitration proceedings.

The Committee moved, after a review of their initial recommendation, that the sum of $250 per day should be paid to the nominee in this arbitration proceeding and one-half of that amount to the Chairman, plus travelling and living expenses.

NON-RESIDENT APPLICATIONS

Your Committee considered seven applications from non-residents requesting legal aid assistance in civil matters. These applications were dealt with and in each case the Committee recommended that the application be refused.

Your Committee considered five applications from Ontario residents requesting legal aid assistance in civil proceedings outside the Province. These applications were dealt with in the following manner:

2 refused
1 requested to advise as to when petition commenced

1 requested to submit more information
1 approved issuance of certificate for Family Court action in Ontario.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Kent County
Malcolm Huffman, Solicitor, Chatham
John B. Watson, Solicitor, Chatham

Northumberland and Durham Counties
Michael C. J. Harrison, Solicitor, Port Hope
Kenneth Gorman, Deputy Sheriff, Cobourg

Resignations:

Leeds & Grenville Counties
H. P. Beale, Solicitor, Athens

York County
Glen Howe, Q.C., Toronto.

The Chairman pointed out that a petition had been received against limiting the number of criminal certifications that can be accepted by any solicitor in a 12-month period.

Moved by Mr. Cass, seconded by Mr. MacKinnon that this petition be referred to the Committee for consideration.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE

Mr. MacKinnon

Your Committee met on the 13th day of March, 1969, at 9:30 o'clock in the morning, the following members being present: Mr. P. B. C. Pepper, Vice-Chairman in the Chair, and Messrs. Evans, Gray, MacKinnon, Slemin and Strauss.

1. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS — REPORT OF THE SUB-COMMITTEE ON RULINGS 16, 17 and 18

Convocation on the 21st of April 1967 approved the appointment of a Sub-Committee under the Chairmanship of Mr. E. A. Goodman and including Messrs. Callon and MacKinnon, to reconsider all aspects of Rulings 16, 17 and 18 of the Professional Conduct Handbook.

The Sub-Committee placed a Notice to the Profession in the Ontario Reports asking the members for their comments. Following consideration of replies received your Sub-Committee, in their Report to the Professional Conduct Committee of the 7th of March, 1968, recommended that the proposed Ruling 16 be published in the Ontario Reports asking the profession for their comments.

The Sub-Committee, on the 17th of February, 1969, gave consideration to the letters received regarding the proposed Ruling 16. It recommended that the following amended Ruling 16 be adopted as a Ruling of Professional Conduct:

RULING 16

DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

1. No member shall authorize or permit any notice or announcement or card to be circulated or to be published in any newspaper, periodical, programme or other publication except in accordance with the provisions of this Ruling.

2. No member shall authorize or permit the insertion in the yellow pages of any telephone directory of more than one standard listing in regular type under the heading "Lawyers" for the firm and for each lawyer thereof in the section for each area where the firm maintains an office or branch office. Members who are Patent Agents or Attorneys may have a similar listing under the heading "Patent Attorneys & Agents".

3. No member shall authorize or permit the insertion in the white pages of a general telephone directory of more than one listing for the firm including the names of its members and associates and for each lawyer thereof in the section for each area where the firm maintains an office or branch office.

4. A member or firm may circulate among the profession or among his or its clients or publish in any newspaper in Ontario, announcements in good taste, without photographs, (other than at the time of call to the Bar), con-

taining only information pertaining to his or its practice such as to change of office hours, change of address or of personnel.

5. A member may insert a card, notice or announcement in good taste in any law list, legal directory, legal periodical, or similar publication, when such publication has been approved by Convocation and on such terms as Convocation may from time to time approve. Such approval may be withdrawn at any time.

6. A member's personal professional card shall contain no more than the information permitted on his, or his firm's letterhead pursuant to the provisions of Rulings 10 and 24 of the Rules of Professional Conduct. For those members who are not in private practice, the card may include the name of his employer.

Your Committee recommends that Ruling 16 as amended be adopted as a Rule of the Professional Conduct Handbook.

2. PROPOSED AMALGAMATION OF SUB-COMMITTEES ON RULINGS 16, 17 and 18, and STEERING

It was brought to your Committee's attention that the subject matter being considered by the Sub-Committee on Rulings 16, 17 and 18 and the Sub-Committee on Steering, had certain aspects in common. Your Committee recommends that the Sub-Committees be combined into one Sub-Committee under the Chairmanship of Mr. Goodman and include Messrs. Callon, MacKinnon and O'Driscoll, the terms of reference of the proposed Sub-Committee to be those of the two existing Sub-Committees.

3. SUB-COMMITTEE ON "SOLICITORS MEMBERSHIP IN ADMINISTRATIVE AND SUPERVISORY ASSOCIATION"

Convocation, on the 15th of November, 1968, approved the appointment of a Sub-Committee composed of Messrs. F. J. L. Evans and P. B. C. Pepper to consider the question of solicitors, employed by a Municipal Corporation, joining an association for the administrative and supervisory group of the employees of the Municipality, in which their classifications are included. It would appear that this Association could represent its membership in any bargaining proceedings with the City.

The Sub-Committee has completed its deliberations and is of the opinion that the membership of a solicitor in such an Association would not violate any Rules of the Society.

Your Committee recommends the adoption of the Sub-Committee's Report.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th of March, 1969, the following members being present: Mr. Strauss, Acting Chairman, Messrs. Beament, Cassels, Chitty, Clement, H. E. Harris, Weir, and Miss McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to February 28th, 1969, are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	15,538.67	1,605.79	59,715.12

Approved

GIFTS AND DONATIONS

Mr. H. Drummond, Toronto, donated a copy of the Revised Statutes of Ontario, 1914. This three-volume set has been added to the Great Library holdings and the donor suitably thanked. *Noted*

AMERICAN ASSOCIATION OF LAW LIBRARIES

The annual convention of the American Association of Law Libraries is to take place between June 29 and July 3, 1969 in Houston. The Chief Librarian requests permission to attend this convention and also requests permission for an Assistant Librarian of her choice to attend with her. *Approved*

BOOK LIST

A list of books ordered during the past month is presented for approval. *Approved*

DISPLAY OF MICRO READERS

A representative from Bell and Howell Canada Limited (Micro-Data Division) attended before your Committee and demonstrated a number of his Company's Readers and the microfilming of Reports. This is the second company which has now put on such a demonstration and your Committee anticipates inviting other companies to demonstrate their equipment with a view to determining the usefulness of this media to the profession.

COUNTY LIBRARIES

ANNUAL GRANTS

The following Associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1969 and the amount which they received in 1968 is as follows:

	1969	*1968*
Brant	$1,325.00	$1,375.00
Carleton	1,850.00	1,850.00
Elgin	875.00	825.00
Frontenac	1,700.00	1,575.00
Hastings & Prince Edward	1,175.00	1,150.00
Huron	625.00	630.71
Kent	1,350.00	1,325.00
Leeds & Grenville	900.00	850.00
Lindsay	733.34	708.33
Nipissing	716.67	691.67
Simcoe	1,850.00	1,850.00
Waterloo	1,850.00	1,850.00
Welland	1,850.00	1,850.00
Wellington	1,650.00	1,550.00
York	3,500.00	3,500.00

Approved

WORKING LIBRARY LIST, ANNUAL SUPPLEMENT

The 1968 Library List is now prepared and will be distributed shortly to all County and District Law Libraries. This list is prepared for the use of those persons responsible for the purchase of books for these Libraries. *Noted*

INCREASE IN LAW SOCIETY GRANTS

At its meeting on February 21st, 1969, subject to the approval of the Finance Committee, Convocation adopted the following recommendation of the Libraries and Reporting Committee: That the Law Society annual grants to Law Associations be increased by amending the Rules to provide for the grant to be paid up to a maximum of $35.00 per annum for each member rather than the present $25.00 and that the maximum grant payable (after adding telephone allowance and Librarian's salary) be increased to $2,000.00 from $1,850.00 and the minimum grant be $750.00 rather than $600.00. This recommendation has now been approved by the Finance Committee.

Your Committee now recommends the following amendments to the Rules of the Law Society of Upper Canada:

1. That Rule 101 of the Rules of the Law Society of Upper Canada be amended by deleting on the 11th and 12th lines thereof the word "twenty-five" and substituting therefor the word "thirty-five";
2. That Rule 102(2) of the Rules of the Law Society of Upper Canada be amended by deleting on the 3rd line thereof the figure "$1,850.00" and substituting therefor the figure "$2,000.00";
3. That Rule 102(4) of the Rules of the Law Society of Upper Canada be amended by deleting on the 3rd and 4th lines thereof the figure "$600.00" and substituting therefor on both lines the figures "$750.00".

so that Rules 101, 102(2) and 102(4) read as follows:

101. The grant in aid from the Society for the initial or first grant shall be double the amount of the contributions in money actually paid, or of the value of books actually given, from all local sources; such grant, however, not exceeding a maximum sum of one hundred dollars for each member of the Society in the county or union of counties who is a member of the Association. For each year thereafter, the grant in aid from the Society shall, subject to the provisions of Rules 102 and 105 be an amount double the amount of the fees actually paid to the Association by its members who are members of the Society, or who are Judges, Magistrates or Justices of the Peace, up to a maximum sum of thirty-five dollars per annum for each such member unless Convocation otherwise directs, having regard to the report of the Chief Librarian on the condition of the respective libraries and their needs.

102(2) Subject to the provisions of Rules 99(4) and 105, the total amount paid to any Association except the County of York Law Association in any year shall not exceed $2,000.00.

102(4) Where the amount that would be paid to any Association by way of annual grant in any year under the provisions of Rule 101 and of subsection (1) of this Rule is less than $750.00, the grant may be increased to an amount not exceeding $750.00 if the Committee is satisfied that the Association has received a reasonable amount in fees from its members, that the number of members paying association fees is a reasonable proportion of the members of the profession practising in the county or union of counties and that the provisions of Rule 103 have been observed.

Your Committee further recommends that the above amendments become effective on the 31st day of December 1969.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 13th of March 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Callon, Cass and Henderson.

Your Committee considered several matters in respect of which further investigations are being made. One of these matters concerns a chartered accountant who is apparently incorporating companies.

THE REPORT WAS RECEIVED.

MOTION TO AMEND SECTION 27 OF THE NEW DRAFT LAW SOCIETY ACT

Moved by Mr. R. F. Wilson, seconded by Mr. Robins, that Section 27 of the new draft Law Society Act be amended by the addition of the words "masters or" before the word "judge" in the second line thereof, so that the Section will read:

> "27. Every member is an officer of every court in Ontario that is presided over by a master or a judge who has been appointed under any Act of the Parliament of Canada or the Legislature."

LAWYER REFERRAL SERVICE

Moved by Mr. Gray, seconded by Mr. Levinter, that the Treasurer be authorized to appoint a special committee to consider the question of inaugurating a lawyer referral service.

Carried

The Treasurer appointed the following Special Committee on Lawyer Referral Service: Messrs. Estey (Chairman), Fennell, H. E. Harris, MacKinnon and Strauss.

CORRESPONDENCE

The Treasurer read the following correspondence:

Letter from Judge W. J. Tuchtie, Provincial Judge, on behalf of his fellow judges and himself, thanking the Treasurer and Benchers for considering their position and amending the draft Law Society Act.

Letters from Mr. Beverley Matthews, Q.C., Mr. R. O. Daly, Q.C., and the Honourable Robert Welch, Q.C., thanking the Treasurer and Benchers for entertaining them at luncheon on February 21st, 1969.

CONVOCATION ADJOURNED at 12:30 p.m. The Treasurer and Benchers entertained at luncheon the Honourable Allan Grossman, Minister of Correctional Services, Chief Judge A. O. Klein, Mr. P. A. Monaghan, President, Ontario Association of Professional Engineers, and Mr. H. C. F. Mockridge, Q.C.

CONVOCATION RESUMED at 8:30 p.m. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the 10th Bar Admission Course, a quorum being present.

CALL TO THE BAR

Mr. A. S. Pattillo, Q.C., Chairman of the Admissions Committee, then presented the candidates to the Treasurer and Benchers.

THE TENTH BAR ADMISSION COURSE

THE FOLLOWING HAVE PASSED WITH HONOURS:

1. Awarded The Treasurer's Medal, The Law Society First Prize and the Lawyers Club First Prize — Donald Harris Lapowich
2. Awarded The Law Society Second Prize and The Lawyers Club Second Prize — Barry Steven Wortzman
3. Awarded The Law Society Third Prize and the S. J. Birnbaum, Q.C. Scholarships for Estate Planning — (Tie) — Patricia Frances Foran
4. Robert Douglas Chapman
5. Warren Hugh Otto Mueller
6. Irving Kumer
7. Thomas Elias Maki
8. Edward Thomas McDermott — The Commercial Law and Company Law Prize

9. (Alexander Abram Mesbur
(Kenneth Louis Saltzman — S. J. Birnbaum, Q.C. Scholarships for Estate Planning — (Tie)
11. Ephry Nathan Merkur
12. William Frederick Burrows
13. Donald Arthur Ebbs
14. Kenneth Wayne McCracken
15. Daniel John Deacon
16. Casimir Nauert Herold
17. James Howard Freeman Dunham
18. Seymour Wilfred Schwartz
19. Thomas James Lockwood
20. (Peter James Dey
(Alan John Lenczner
22. David Bryson Waugh
23. (Douglas Maxwell Belch
(Alan Garth Francis Macdonald
(Richard Rowan Neville
26. (David Graeme Algie
(Guildford William Deverell
28. (David Allan Cornfield
(William George John Swybrous
30. James Gordon Snelgrove
31. (Barry George Anthony MacDougall
(Francis James Campbell Newbould
33. John Grant Myers
34. (Robert Brian Foster
(Charles Jonathan Schwartz

36. Melvin Arnold Muroff
37.(Shirley Margaret Perdue
(Alexander Giles Stewart
39.(Robert Blake Easterbrook
(Daryl Elizabeth Gilmore
(John David Takach
42. Thomas Edward Raymond Butcher
43. Jean Lynn Nieman
44. David George Fuller
45.(Harvey Arthur Beresford
(Kalle Soomer
47.(Michael Henry Caney — The Criminal Procedure Prize
(Janet Elizabeth Stewart
49. Andrew Blake Cochran
50. John Murray Davison
51. Robert Donald Leck

The following have passed:

Cyril Jobe Abbass
Geoffrey Douglas Egan Adair
John Stuart Alexander
Paul Arthur Alexander
Francis James Altimas
Amnon Altschuler
Stephen Altwerger
Michael James Anderson
Robert John Anderson
Charles Egbert Archibald
Lester Samuel Aronson
Frederick Arnold Arthur Baker
Peter Oscar Balder
James Walter Bannister
Ihor Walter Bardyn
Jeffrey Cathcart Barnabe
Frederick Barth
Thomas Stewart Barton
Paul Raymond Beaudet
Malcolm William Bell
Alan Berk
Michael Anthony Black
Stanley William Bloom
Roy Edward Bogusky
Robert Paul Boissonneault
Thomas Anthony Joseph Bordonaro
Ian William Brady
Dietrich Brand
Norris August Brehm
Brian John Eric Brock
Hersh Eric Bromley
Albert Allan Brown
Constance Marlene Brown
Janet Sydney Brown
William Brown
Karl Bertil Bruun
Jerry Nicholas Anthony Buchanan
Douglas Garth Burrow
Zita Olga Bury
Lee Arthur Cairns
Archie Gray Campbell
Robert John Cannings
Franklyn Ephraim Cappell
Gregory Richard Carpenter
Roger Napier Carr
James Franklin Carter
Leon Bernard Carter
Donald Cairn Edward Champagne

Joseph Ronald Charlebois
Maurice Alexander Charles
Buka Zbigniew Chesney
Robert Chiarelli
John Barker Chown
Edward Allen Christie
Gordon Joseph Ciglen
Richard Neville Clarke
Samuel David Clarke
Stanley Cohen
George Charles Conn
David Richard Cooke
Colin Campbell Coolican
Charles Forster Alexander Cooper
Valerie Joan McArthur Cooper
John Corvese
John William Craig
Stephen Thomas Alan Creet
Anthony Kenneth Heinbuch Crossley
John Raymond Crouchman
John Douglas Cunningham
John Howard Cunningham
Roldano Dalla-Rosa
Ford Brian Dapueto
John Milton Dean
Anthony Fernando De Rubeis
Melvin Nathan Diamond
Paul Wyatt Dick
Ronald Wayne Dickie
John Henry Dockrell
Terence Manley Dolan
John Albert Doraty
Edward James Drimmel
Peter Edward Dubas
James Paul Dube
William Ernest Duce
Lorenzo Duso

George Dickson Elliott — S. J. Birnbaum, Q.C. Scholarships for Estate Planning (Tie)

Robert Loree Falby
Francis Xavier Fay
Morris Rudolph Fernandes
Daniel Morton Fine
Harvey Finkelstein
Charles McBryan Finlay
Joseph Yochanan Fisch
Sheldon Marshall Fischman
Robert Murdoch Forbes
Scott Hurst Forster
Edwin Albert Foster
Harvey Cecil Frankel
Donald Edward Franks
Elaine Freedman
Ronald Jerry Fromstein
Robert John Fuller
John Phillip Gerretsen
Shatru Ghan
David Earl Gibson
Sheldon Arnold Gilbert
Robert Norman Gilmore
Joseph Marie Jean Claude Gingras
Anthony Peter Girard
Gary Stephen Goad
Charles Allan Godfrey
Arthur Ronald Good
Bernard Joseph Goodal
Ray Gordon Goodwin
Michael Huntly Gordon
Marshall Wayne Gottlieb
Stephen Joseph Grace
Brock Grant, Jr.
Peter Stewart Grant
William Donald Gray
Robert James Green
Barry Groll
Ronald Groll
James Justin Grosberg
Lawrence Sheldon Grossman

Rodolph Wilfred Groulx
Garry John Guzzo
Morley Halberstadt
Peter Dean Hamlyn
Stanley Hardyal
John Morgan Harris
Peter Harold Harris
Richard Ronald Hawrish
John David Helson
Andrew Douglas Henderson
Patrick Christian Hengen
John Joseph Henry
Thomas Alfred Hickey
William Edward Hinkson
John David Hobson
Derek Thirsk Hogg
Robert Macdonald Holland
Thomas Fred Homeniuk
Jack Kemp Horsley
Robert Douglas Allan Houghton
John Ronald Houlahan
Robert Edward Houston
Emma Teresa Howell
Matthew Chance Hudson
Robert Douglas Stewart Hunter
Montgomery Thomas Hyde
Constance Gail Ibbotson
George Robertson Ingram
Kenneth James
Wilfred Donald Jenkins
Keith John Frederick Jobbitt
John Paul Brian Johnston
Richard Brindley Jones
Frederick Ka-Chong Kan
Leonard Patrick Kavanaugh
Eric MacKenzie Kelday
Thomas Stephen Kelleher
William Stirling Kenny
James Chowen Kent
Harvey Gerald Kochen
Bruce John Michael Koepke
Norman Alfred Oscar Kopperud
Lawrence Cyril Kozak
Eugene Kronas
Robert Michael Stanley Lambert
Vibert Arthur Ridley Lampkin
Geoffrey Cameron Langdon
Alphonse Anthony Lanza
Jerry Allan Lapowich
John Jerome Lawlor
Roger Edward Lewandowski
Douglas Grinslade Lewis
Alan David Libman
Thomas David Little
Peter Robert Lockyer
Clarence Murray Loopstra
John Cameron Lovett
Robert Samuel Lucenti
Bryan Alexander MacBride
John Farquhar MacDonald
Ronald George MacDonald
Angus Donald King MacKenzie
John Edward MacLatchy
Mary Virginia MacLean
John Napier Magill
Charles Johnston Magwood
Roman Andrew Maksymiw
William Howard Manderson
Stephan Michael Marmash
Leslie Steven Mason
Walter Joseph Massey
Robert David Armstrong Massie
Peter Stanley McBirnie
Linda Catherine McCaffrey
Gerald Henderson McCracken
John Frederick Joseph McEnery
Francis Michael Hugh McGuire
Joseph Edward McKeown
Nelson Duncan McLennan
Roderick Morrison McLeod

James Robert Joseph McNamee
Douglas Craig McTavish
Ian Ross McTavish
Beryl Marilyn Mercer
Joseph Walter Mik
Scott Thomas Milloy
John Paul Mills
Peter William Mills
Louis Harry Milrad
Donald Gilbert Anthony
Joseph Mitchell
Richard John Mitchell
JoAnn Miyagawa
Britton Osler Mockridge
Peter Belton Moffat
Franklin Walter Montgomery
Lawrence Roland Ovila Morin
Roger MacAlpine Morris
Thomas D'Arcy Morris
Ian George Burland Motherwell
David John Moxon
Herbert Gordon Mylks
Stanley Naftolin
David Herbert Newman
James Leslie Newman
Obadiah Thiong'o Ngwiri
Joseph Louis Nicoletti
Mohad Ali Noor
Neil Thomas Norris
Mike Douglas Read O'Brien
Robert Allan O'Donnell
Paul Joseph Mark Osier
Angus Winn Oughtred
Hugh Stewart Douglas Paisley
Allan Stephen Papernick
Roderick Arthur Parker
Drummond Stanley Peet
Gordon Charles Pelletier
David Robert Peterson
Leonard Philip Walter Petrillo
Richard Aurel Joseph Pharand
Richard Lafayette Pickett
Gary Grant Porter
Gerald Potasky
Frank Joseph Provenzano
William Gerald Punnett
Brian Egan Quinlan
Harry Persaud Ramkelawan
George Fraser Reid
Arthur Ernest Resnick
Neville Byron Wesley Rich
William Gordon Richards
Charles Ronald Riches
Christopher Geoffrey Riggs
Walter Gherardi Robinson
Larry Andrew Roine
David John Ross
David Walter Ross
Norman William Caldwell Ross
Dennis Rene Roy
Clayton Charles Ruby
Warren Cecil Rumack
Charles Joseph Paul Ryall
Rewachand Arjandas Sainaney
Patricia Olcen Sample
Timothy William Sargeant
Frank Sandy Sarlo
Joseph Herve Sauve
Nigel Schilling
Donald Charles Schlichter
Preben Uldall Schmidt
Alfred Solomon Schorr
Thomas Richard Scoccia
Ivan St. Clair Sequeira
Gordon James Mark Shearn
Merrill Webster Shepard
Harold Herbert Sherwood
Robert Shuster
Martin Sigal
Howard Stephen Simmons
MacGregor David Sinclair

Robert Alexander Sinclair
Pritam Ganga Singh
John Craig Singlehurst
Michael Richard Smith
Bernard Huntley Solomon
Ronald Gordon Sparks
Philip Jerome Eadington Spencer
Andrew Stabins
Robert Wesley Stanley
Hugh George Stark
David Charles Stewart
Herbert Sterling-Wayne Stewart
John MacArthur Stewart
Maurice Raymond St. Louis
John Anthony Stockwell
Douglas Earl Stokes
Frank Henricus Maria Stolwyk
Michael Frank Stoyka
Ronald Johnston Swain
Keith Alexander Swanson
Charles Duncan Swayze
Norman Swedko
Harvey Ronald Swedlove
Alexander Richard Szalkai
Ernest Joseph Tadman
Paul David Natale Temelini
Dino Joseph Tessaro
Richard Burton Thomas
Gordon Edward Thompson
Ronald Warren Thompson
Albert Edward Thoms
Gordon Ian Thomson
Ian Guy Thorne
Jagdat Vincent Toolsie
William David Turville
Philip Cameron Upshall
Joseph Peter Vice
Peter Andrew Vita
Frederick Otto Reinhold von Veh
Gordon Wayne Walker
John Charles Walker
Blake Wallace
Peter Cardon Wallis
Tracy Charles Warne
Dennis Walter Warner
Sybren Wassenaar
Frederick Herschel Webber
Allan Ross Webster
Karen Merle Weiler
William Clair West
Frank William White
John Harvey Whiteside, Jr.
Peter Joseph Wiley
William John Wiley
William John Wilkins
Gary David Wilson
William Thomas Reid Wilson
Terry Lawrence Winchie
Leonard Allan Wise
Harvey Wortsman
Marvin Arthur Zuker
Milton Wedman Zwicker

The Treasurer, Mr. W. G. C. Howland, Q.C., then conferred upon the candidates the degree of Barrister-at-law, and called them to the Bar of Ontario.

The Treasurer then presented the Treasurer's Medal to —
Donald Harris Lapowich
and the following prizes:

The Law Society First Prize The Lawyers Club First Prize	Donald Harris Lapowich

The Law Society Second Prize The Lawyers Club Second Prize	Barry Steven Wortzman
The Law Society Third Prize The S. J. Birnbaum, Q.C. Scholarship for Estate Planning (Tie)	Patricia Frances Foran
The Commercial Law and Company Law Prize	Edward Thomas McDermott
The S. J. Birnbaum, Q.C. Scholarship for Estate Planning	Kenneth Louis Saltzman* George Dickson Elliott*
The Criminal Procedure Prize	Michael Henry Caney

*—Tie

The Treasurer congratulated the new members of the Bar, and introduced the Honourable Lucien Tremblay, Chief Justice of Quebec, who addressed the assemblage.

CONVOCATION THEN ROSE

Following the meeting of Convocation a special sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with the Honourable G. A. Gale, Chief Justice of Ontario, presiding.

Mr. A. S. Pattillo, Q.C. presented the candidates to his Lordship who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

Chief Justice Gale addressed the candidates.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge at the O'Keefe Centre.

Read in Convocation and confirmed this 18th day of April, 1969.

W. G. C. Howland, Q.C.,
Treasurer.

MEETING OF CONVOCATION

Friday, 18th April 1969
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Callon, Cass, Chappell, Chitty, Evans, Fennell, Ford, Goodman, Gray, W. E. Harris, Henderson, Levinter, Maloney, Martin, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Robins, Slemin, Steele, Strauss, Thom, Williston and R. F. Wilson.

The Minutes of the meeting of March 21st, 1969 were read and confirmed.

The Treasurer reported to Convocation that tenders for the renovations in the Bar Admission Course part of the building will be opened on Friday, April 25th, 1969.

The Treasurer further announced that a Special Convocation will be held on Wednesday, the 17th September 1969 at which the honorary degree of Doctor of Laws will be conferred upon The Right Honourable Lord Gardiner, the Lord High Chancellor of England.

COMMITTEE MEMBERSHIP

Moved by Mr. Gray, seconded by Mr. Levinter, that Mr. R. F. Wilson, Q.C. be added to the Discipline Committee.

Carried

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 10th day of April, 1969, at 11:30 a.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Cass, Estey, Gray, Henderson, Slemin, Thom and Williston.

BAR ADMISSION COURSE

Faculty

The Director submits the following memorandum:

"Mr. D. A. Berlis, Q.C., resigned at the end of the Corporation Law Course last November as the Head of this section. Mr. Berlis has made an outstanding contribution during his years as the Head of this Course.

After consultation with the Chairman, I recommend to the Committee the appointment of Mr. H. Purdy Crawford, Q.C., and Mr. J. D. Ground as joint Heads of the Corporation Law section.

The Director accepts with regret the resignation of W. B. Williston, Esq., Q.C., as Head of the First Course on Civil Procedure, and requests the Committee's approval of the appointment of R. J. Rolls, Esq., in his place.

The Director also requests the Committee's approval of the following appointments:

Real Estate and Landlord and Tenant

J. K. Doran, Esq., to be appointed an Instructor.

Civil Procedure I

J. W. Morden, Esq., to be appointed a Stand-by Instructor.

Corporation Law

J. D. Brooks, Esq., to be appointed an Instructor, in place of J. D. Ground, Esq., resigned.
J. G. Coleman, Esq., to be appointed an Instructor, in place of J. T. Eyton, Esq., resigned.
J. N. Cooper, Esq., to be appointed an Instructor, in place of B. B. Lockwood, Esq., Q.C., resigned.
S. J. Godfrey, Esq., to be appointed an Instructor, in place of R. L. Shirriff, Esq., resigned.
A. J. Grey, Esq., to be appointed an Instructor, in place of S. Silver, Esq., resigned.
J. N. Grieve, Esq., to be appointed an Instructor, in place of J. R. Weir, Esq., resigned.
A. Karp, Esq., to be appointed an Instructor.
C. T. Loughrin, Esq., to be appointed an Instructor.
D. E. Smith, Esq., to be appointed an Instructor.
J. R. Finley, Esq., to be appointed a Stand-by Instructor, in place of A. J. Grey, Esq., promoted to Instructor.
R. J. Murphy, Esq., to be appointed a Stand-by Instructor in place of A. Karp, Esq., promoted to Instructor.

Estate Planning

R. E. Jarman, Esq., to be appointed a Stand-by Instructor.

Surrogate Court Practice

R. N. Wessels, Esq., to be appointed an Instructor.

R. A. Bowlby, Esq., Q.C., to be appointed an Instructor, in place of G. B. Clapperton, Esq., resigned.

Domestic Relations

E. R. Pepper, Esq., Q.C., to be appointed an Instructor.

D. J. Catalano, Esq., to be appointed an Instructor.

L. K. Ferrier, Esq., to be appointed an Instructor.

D. H. Lissaman, Esq., Q.C., to be appointed a Stand-by Instructor, in place of M. Basman, Esq., resigned.

P. Gravely, Esq., to be appointed a Stand-by Instructor, in place of D. J. Catalano, Esq., promoted to Instructor.

B. Laker, Esq., Q.C., to be appointed a Stand-by Instructor, in place of L. K. Ferrier, Esq., promoted to Instructor.

W. D. Mackie, Esq., to be appointed an Instructor.

R. E. Salhany, Esq., to be appointed an Instructor.

R. G. Thomas, Esq., to be appointed an Instructor.

I. Cartwright, Esq., to be appointed a Stand-by Instructor in place of R. E. Salhany, Esq., promoted to Instructor.

H. S. Honsberger, Esq., Q.C., to be appointed a Stand-by Instructor, in place of W. D. Mackie, Esq., promoted to Instructor.

Approved

PETITION

Allan Friedland failed to attain pass standing in four subjects and consequently failed the Bar Admission Course. A petition from Mr. Friedland, including a letter from his doctor, is before the Committee requesting that he be granted pass standing.

Your Committee recommends that his petition be refused.

LAW SOCIETY DINNERS

At its meeting on 13th February, 1969, a memorandum from the Secretary was before the Committee suggesting that a series of dinners for the students in the teaching period of the Bar Admission Course be instituted on a trial basis.

The suggestion was approved in principle and the matter referred to a sub-committee for detailed planning and report to this Committee and Convocation. The report of the Chairman of the Sub-Committee is before the Committee.

Your Committee recommends that the report be adopted but that because of space limitations few lecturers can be invited, and that therefore a special dinner or reception be tendered to the lecturers at the end of the Course.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 10th of April, 1969, at 12:00 noon, the following members being present: Mr. S. D. Thom, Vice-Chairman in the Chair, and Messrs. Beament, MacKinnon, Robins and Mr. W. Z. Estey.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

Stuart Gordon MacKinnon — Special — Faculty of Law — University of Ottawa — Fee $200.00

Approved

COMMONWEALTH TRANSFER

Umakant Purushottam Pandya (LL.B. Gujarat University 1958) was admitted as an Advocate of the High Court of Judicature at Bombay in 1959. He has practised continuously since December 1960 in the High Court of Gujarat at Ahmedabad until coming to Canada in March 1969. He seeks to proceed under Regulation 10(b).

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Levinter

Your Committee met on Thursday, the 10th day of April, 1969, the following members being present: Mr. Beament, Vice-Chairman in the Chair, and Messrs. Fennell, Gray, Henderson, Raney, Steele, and Thom.

Accounts

The Secretary reports that from the 1st March to the 31st March 1969 accounts, including Library Accounts, properly approved, to the amount of $98,347.31 have been paid.

Approved

Financial Statement, 1st July 1968 to 31st March 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1968 to the 31st March 1969. *Approved*

Rolls and Records

The Secretary reports:

(1) *Appointments to the Bench*:

That the following former members of the Law Society have been honoured in their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

Lloyd W. Houlden, Q.C., Toronto	Called — 29 June 1948 Appointed Judge, S.C.O. 14 March 1969
Peter Wright, Q.C., Toronto	Called — 20 September 1934; Appointed Judge, S.C.O. 14 March 1969.

(2) That the following former members of the Law Society have died:

Harold C. Walker, Q.C., Toronto	Called — 1 February 1922 Deceased — 23 March 1969
W. H. Gregory, Stratford (Honorary Life Member)	Called — Michaelmas 1907 Deceased — 8 April 1969

(3) *Resignations*

Hugh B. L. Jones, Q.C., Toronto; Called — 17 September 1931;
Resignation accepted by Convocation, 21 February 1969

John Lee Chapman, Sudbury; Called — 26 June 1954;
Resignation accepted by Convocation, 21 March 1969.

Noted

RESIGNATION

Percy Edwin Ault, Q.C., Toronto — Your Committee, having considered a letter received from Mr. W. A. Ault, advising that his father, Percy Edwin Ault, Q.C., has been confined to hospital since May 1968 and medical opinion is that he will never be able to return to practice, recommends that he be permitted to resign his membership in the Law Society, and that no further demand be made upon him for fees.

LIBRARIES AND REPORTING COMMITTEE

—*County Libraries Grants*

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1968. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

ARREARS OF ANNUAL FEES

On the 24th March 1969 a registered letter was sent to those members in arrears for more than one year, giving them notice that unless their fees were paid by the 7th April 1969, a motion to suspend them from practice would be made to Convocation on the 18th April 1969.

Your Committee recommends that the following be suspended from practice for one year, and from year to year thereafter or until their arrears of fees are paid:

A. L. Foote, Dalhousie University, Halifax, N.S.
J. A. Iwanicki, 698 Aberdeen St., Fredericton, N.B.
Hugh R. Latimer, 43 Charles St., Box 668, Truro, N.S.
K. D. A. Morrison, 312 Main St., Vancouver 4, B.C.
J. A. Regan, Address unknown.
M. J. S. Sylvester, Attorney General's Chambers, St. George's, Grenada, B.W.I.

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY

Correspondence passing between the Dean of the Osgoode Hall Law School of York University and the Treasurer, is before the Committee. The matter of a contribution from the

Society to help defray the expenses of a reception scheduled for June 10th on the occasion of the opening of the Osgoode Hall Law School building at York University is before the Committee. The estimated total expense of the reception is $6,000.00.

Your Committee recommends that a contribution of $1,000.00 be made.

RE: MAINTENANCE STAFF

Retirement Age — Mr. Glen, Building Superintendent, asks that consideration be given to reducing the retirement age of maintenance staff from 70 to 65 years.

Moved by Mr. Henderson, seconded by Mr. Fennell, that the Chairman and Vice-Chairman of the Finance Committee be a sub-committee to retain a solicitor to advise on the Society's pension requirements. *Carried*

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following function:

June 6—Mr. C. F. McKeon, on behalf of the members of the class of 1949, asks permission to hold their 20th reunion in Osgoode Hall on Friday, June 6th. *Approved*

THE REPORT WAS ADOPTED.

ARREARS OF ANNUAL FEES—*Motion to Suspend*

Moved by Mr. Levinter, seconded by Mr. Gray, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their arrears are paid:

A. L. Foote, Halifax, N.S.
J. A. Iwanicki, Fredericton, N.B.
Hugh R. Latimer, Truro, N.S.
K. D. A. Morrison, Vancouver, B.C.
J. A. Regan (address unknown).
M. J. S. Sylvester, Grenada, B.W.I. *Carried*

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Stuart Gordon MacKinnon, Ottawa; Special, Faculty of Law, University of Ottawa.

DISCIPLINE COMMITTEE—Mr. Gray

Your Committee met on Thursday, April 10th, 1969 at 10:30 a.m., the following members being present: Mr. W. Gibson Gray, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Beament, Bowlby, Cass, Common, Estey, Goodman, Henderson, MacKinnon, O'Driscoll, Pepper, Robins, Slemin, Strauss, Thom and Williston.

COMPENSATION FUND — REFEREE

The Society has received a large number of applications for grants from the Compensation Fund arising out of the practice of A. F. Blotti, who was disbarred on January 8th, 1969. It is your Committee's opinion that a Referee should be appointed to hear these applications and recommends the appointment of a sub-Committee composed of Messrs. Gray, Evans and Bowlby to advise on the appointment.

COUNSEL

Your Committee considered the advisability of having a full-time counsel on the staff of the Society. Your Committee approves in principle the appointment of a counsel to the Society and recommends that a Committee of Convocation be appointed by the Treasurer to investigate the matter with a view to making a recommendation.

Moved by Mr. Goodman, seconded by Mr. Martin, that the final paragraph be deleted. The motion was withdrawn.

Moved by Mr. Henderson, seconded by Mr. Cass, that the last sentence of the report be deleted and the following substituted. — "Your Committee recommends that a Committee of

Convocation be appointed by the Treasurer to investigate the advisability of the Society employing full-time counsel".

Carried

THE REPORT AS AMENDED WAS ADOPTED.

The report on the work of the Discipline Committee for 1968 was received

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PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 10th day of April 1969, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Goodman, Gray, MacKinnon, O'Driscoll, Slemin and Strauss.

1. Interest on Trust Accounts

At the January meeting of Convocation a Special Committee on Trust Accounts recommended a Ruling. This recommendation was adopted and subsequently a Notice was published in the Ontario Reports. At present this Ruling has no place in the Professional Conduct Handbook. It is understood that consideration will be given in the near future to a revision of the Rules Respecting Accounts. Your Committee therefore recommends that the Rule with respect to Interest on Trust Accounts be designated Ruling 21 of the Rules of Professional Conduct until such revision of the Rules Respecting Accounts is made at which time Ruling 21 be repealed and its provision inserted in the revised Rules Respecting Accounts.

2. At its February meeting your Committee considered a letter from a Toronto lawyer advising that some clients in matters before administrative tribunals, seek the services of lawyers on a fee basis related to the permission ultimately obtained. The lawyer asked whether the profession should not have some guidance on the matter as it may be thought by some lawyers that the Rules, as to contingent fees, are limited to litigation in courts. The following Memorandum was approved by your Committee for publication in the Gazette:

> "The Society has received a letter advising that some clients, in matters before administrative tribunals, seek the services of lawyers on a fee contingently and proportionately related to the success ultimately obtained. He asks for some guidance on the matter and, particularly, asks whether contingent fees are limited to litigation in courts.

In your Committee's view, contingent fees are not limited to litigation in courts, and wishes to draw the profession's attention to The Solicitors Act, Section 47(1) & (2), and Section 59, which are as follows:—

> "47.-(1) Subject to sections 48 to 64, a solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or a part of any past or future services in respect of business done or to be done by the solicitor, either by a gross sum or by commission or percentage, or by salary or otherwise, and either at the same rate or at a greater or less rate than that at which he would otherwise by entitled to be remunerated.
>
> (2) In this section, the expressions 'commission' and 'percentage' apply only to non-contentious business and to conveyancing."
>
> "59. Nothing in sections 47 to 64 gives validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained, or gives validity to an agreement by which a solicitor retained or employed to prosecute an action or proceeding stipulates for payment only in the event of success in the action or proceeding, or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding." "

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 10th of April 1969, the following members being present: Mr. Steele, Chairman, and Messrs. Beament, Cassels, Clement and Chitty, and Miss McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to March 31st, 1969 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	17,933.98	1,900.13	67,252.28

Approved

BOOKS — MISSING AND DAMAGED

As a result of a continual inventory being kept of the American Reports, it was determined that as of 31st March 1969, 33 volumes of these Reports were missing. The Chief Librarian requests authority to purchase replacements at a cost of about $260.00. *Approved*

BOOK LIST

A list of books which have been purchased was presented for approval. *Approved*

STATUTES OF FOREIGN JURISDICTION

Your Committee considered the desirability of having available in Ontario Law Libraries translations of the Statutes of other jurisdictions. This matter was brought to the attention of your Committee by Mr. Hyliard G. Chappell. A Sub-Committee consisting of Messrs. McCulloch and Common was appointed to consider this matter further and inquire of the Ontario Government if they were prepared to provide this service.

DISPLAY OF MICRO READERS

A representative from the 3-M Company attended before your Committee and demonstrated a number of his Company's Readers and the micro-filming of Law Reports. This is the third company which has put on such a demonstration for your Committee.

COUNTY LIBRARIES

ANNUAL GRANTS

The following Associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1969 and the amount which they received in 1968 is as follows:

	1969	*1968*
Essex	$1,850.00	$1,850.00
Haldimand	600.00	600.00
Kenora	600.00	600.00
Ontario	1,850.00	1,825.00
Rainy River	600.00	600.00
Temiskaming	600.00	600.00

Approved

REPORTING

ONTARIO REPORTS: POSTAL RATES

Your Committee was recently advised by the Post Office that the Ontario Reports can no longer be mailed as second class material and that effective 1st April 1969 the mailing of the Reports will be subject to postage as third class mail. This reclassification will result in increased mailing costs of approximately $24,000.00. A Sub-Committee has now been appointed consisting of Messrs. Beament (Chairman), Chappell and Henderson to take this matter up with the Minister of Justice and the Postmaster General and to report as soon as possible.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 10th of April 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Clement, Fennell, Henderson and Williston.

Your Committee considered information brought to its attention in respect of several Notaries Public and their activities in ethnic communities. The matter was referred to Counsel for investigation and report.

Certain other matters were considered in respect of which further investigation is being made.

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE

Mr. R. F. Wilson

Your Committee met on Thursday the 17th of April 1969, at 4:00 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson, the Chairman, in the Chair, Mr. E. A. Goodman, Vice-Chairman, and Messrs. Chappell, Howland and Robins.

Your Committee had before it 52 letters received in response to the Treasurer's letter of the 20th of March dealing with the changes in the proposed new Law Society Act since it was first distributed in printed form.

Twenty of the letters were written by individual members of the Society. A further twenty letters were written on behalf of County Law Associations which approved of the changes. The balance of the letters written on behalf of County Law Associations made specific reference to various sections of the Act. Your Committee gave careful consideration to each of the suggested amendments.

Your Committee recommends that Section 29(c) be amended by deleting the words "at Osgoode Hall" in the last line thereof and including reference to a full time Taxing Officer and to full time Local Masters. Your Committee further recommends that, if the amendment recommended in this Report is approved by Convocation, the draft Law Society Act then be delivered to the Attorney-General for presentation to the Legislature.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 9th day of April, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Cass, Caldbick, Fairbairn, Levinter and O'Driscoll.

SUBMISSION OF SOLICITORS' ACCOUNTS UNDER THE LEGAL AID TARIFFS

Your Committee reviewed the manner in which solicitors' legal aid accounts are presently being rendered, with particular regard to solicitors rounding off their accounts to the hour, or half hour, under the tariffs. The Committee considered the advisability of having solicitors bill for the time actually spent or in terms of 1/10ths of an hour.

The Committee requested the Director, the Assistant Director and the Legal Accounts Officer to submit a report at the earliest possible date concerning the manner in which solicitors' accounts should be rendered under the Legal Aid Plan together with such other recommendations as they consider appropriate.

LIMITATION OF CRIMINAL LEGAL AID CERTIFICATES

At the March 21st meeting of Convocation, the Committee reported as follows:

> *"Solicitors Acting Under*
> *Legal Aid Certificates*
>
> In its February, 1969 Report to Convocation, the Committee recommended that as a matter of policy, no solicitor shall accept more than 75 criminal certificates in any 12 month period.
>
> Your Committee has now instructed the Director to forward a memorandum to the Area Directors informing them that, effective the first day of April, 1969, no solicitor shall accept, in any twelve month period, more than 75 criminal certificates in any calendar year. Area Directors must circularize this notice, in writing, to all members of the criminal legal aid panels in their area."

A petition protesting the limitation of criminal certificates and signed by members of the York County criminal bar was presented to Convocation. The matter was referred back to the Committee for further consideration.

After a careful review the Committee reaffirmed its original limitation of criminal certificates.

The Director was instructed to forward a memorandum to all Area Directors informing them that, as a temporary measure, and effective April 1st, 1969, no solicitor shall accept, in any legal aid fiscal year, more than 75 criminal certificates without the consent of the Provincial Director.

Area Directors are to circularize the memorandum to all members on their criminal Legal Aid Panels.

APPOINTMENT OF AREA DIRECTORS

The Director advised the Committee that the Area Director for Welland County, W. H. Waugh, had tendered his resignation, and requested the Committee to advise him on the procedure he should adopt in appointing a new Area Director.

When the Plan first commenced, the Director asked each local Law Association to recommend an Area Director for their area. The nominee was approved by the Legal Aid Committee and his name was then submitted, on the instruction of Convocation, to the Attorney General.

Your Committee advised the Director to obtain a nomination for Area Director as he had done in the past.

AMENDMENT TO THE LEGAL AID REGULATION

At the suggestion of G. Arthur Martin, Q.C., Vice-Chairman, your Committee moved that Section 66 of the proposed new Regulation be replaced by the following:

> "66. Where any circumstance comes to the attention of a solicitor which indicates that his client may not have been entitled to or may no longer be entitled to the certificate under which the solicitor is acting, the solicitor shall forthwith report such circumstance to the area director."

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 83(2) of the Regulation.

The following points are worthy of note:

1. Amounts received from contributing clients and in respect of costs awarded $361,749 exceed the anticipated recoveries for the 11 month period $314,416 by an amount of $47,333.

(2) Solicitors' fees paid in respect of criminal certificates $2,800,811 have already exceeded the estimated figure for the year of $2,725,000. However, fees in respect of civil matters $1,493,247 are still within budget for the year $2,068,000.

(3) Administrative costs for the 11 months $1,371,060 also exceed budget for the year $1,350,238. This over-expenditure of administrative costs is primarily accounted for by the moves of the Provincial and York County offices within the fiscal year. It was not anticipated that either office would move until at least the year 1969/70.

(4) The percentage of client contributions which are 90 days or more in arrears shows a reduction of .5% from the corresponding figure as at January 31st, 1969. It may well be attributed to stiffer collection procedures and in particular the threat of certificate cancellation for non-payment of contributions.

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report for the month of March 1969.

CONTROLLER'S REPORT

The Controller submitted a summary of applications for the 11 months period ended February 28th, 1969.

The following observations on his report were made by the Controller:

1. Of all persons seeking legal aid assistance during the month of February, 1969, 44% were refused on one or more of the following grounds:

   (a) there was no legal problem;

   (b) if there was a legal problem it was not within the scope of the Act;

   (c) financial ineligibility.

2. Total formal applications received for the 11 months show an increase of 4,278 over the corresponding figure last year.

3. However, the number of refusals has also increased by 2,214 equal to 10% as compared to 6.5% last year.

4. For the 11 months ending February 28th, 1969 provisional certificates issued totalled 2,952 or a decrease of 6,198 as compared with last year. Certificates of eligibility however have increased by a total of 9,860 as compared with last year.

5. Persons assisted by Duty Counsel for the 11 months under review show an increase of 15,270 when compared with last year's figure. This increase is almost totally in the criminal field within the Provincial Courts.

CORRESPONDENCE

a) The Committee considered correspondence from Donald W. August, Solicitor. Mr. August represented a legally-aided client whose infant was returned to her by the Court of Appeal from a couple who had brought a motion to adopt the child. The child had lived with the couple for one year.

Mr. August stated that in all such cases, counsel always agreed not to ask for costs and the court always made such an order.

Your Committee confirmed that the costs awarded to a legally aided client become the property of the Law Society and that the Society has no right to waive the costs.

The application was refused.

b) The Committee considered correspondence from F. J. Cornish, Q.C., Area Director, York County, who suggested that the Legal Aid Plan take a page in the Ontario Reports at least once a month for the dissemination of legal aid information.

Your Committee was in agreement with this suggestion and asked the Director to find out the cost.

c) The Committee considered correspondence from G. K. Drynan, Q.C., Area Director, Ontario County, with respect to issuing a limited certificate to people who wish to defend a divorce action.

Mr. Drynan noted that such applicants wish to defend insofar as there is a claim for maintenance and/or costs. These cases are frequently cases where either party could have successfully sued the other for divorce.

The Committee recommended that it be suggested to the Area Directors that in appropriate cases certificates might be issued to a defendant as follows:

> "To advise on, negotiate and settle custody, maintenance and costs in the divorce action — no other proceedings must be taken without an additional certificate based on the solicitor's opinion."

NON-RESIDENT APPLICATIONS

Your Committee considered four applications from non-residents, requesting legal aid assistance in civil matters. These applications were dealt with in the following manner:

3 refused
1 requested Bar of Montreal to give more information.

Your Committee considered five applications from Ontario residents requesting legal aid assistance in civil proceedings outside the Province. These applications were dealt with in the following manner:

3 refused
1 requested solicitor to give further advice as to the likelihood of recovering damages

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Waterloo County
R. W. Gould, Q.C., Kitchener
G. R. Logan, Solicitor, Preston
M. Matlow, Solicitor, Galt
J. D. Nanson, Solicitor, Kitchener
W. H. White, Solicitor, Waterloo

Renfrew County
Henry J. Bradley, Q.C., Pembroke

Resignations:

Waterloo County
W. H. Kidd, Q.C.
W. R. Artindale, Q.C.
N. A. Thomas, Solicitor
P. R. Sturdy, Solicitor
R. A. Edwards, Q.C.
J. W. Lieberman, Q.C.

Renfrew County
C. S. Mulvihill, Q.C.
A. A. McLean, Q.C.
G. B. Cooke, Q.C.
T. G. Edmondstone, Solicitor.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Wednesday, the 9th of April 1969, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele and Miss McCormick. The Treasurer and Messrs. Bowlby and O'Driscoll also attended the meeting.

Your Committee also met on Thursday, the 10th of April 1969, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele and Miss McCormick.

TELEX

At the meeting on Wednesday, April 9th, your Committee attended at the offices of C.N.-C.P. Telecommunications for a demonstration of the various uses that could be made of Telex by the Society and the profession generally. Your Committee was impressed with this medium of communication and was advised by the C.N.-C.P. representative that his Company would be prepared, at no cost to the Society, to survey the profession and various departments of the Law Society for the purpose of determining and reporting on the advantages of their equipment. Your Committee recommends that C.N.-C.P. Telecommunications be asked to commence such a survey and provide the Society with a report in respect of the use of Telex by the following: The Legal Aid Office; The Great Library; The Society's Secretary's Office, and the profession generally.

EDUCATIONAL COURSE ON COMPUTERS

At the meeting on Thursday, April 10th, your Committee discussed the matter of its members taking an educational course on computers. Your Committee has been making extensive inquiries into the research being conducted in respect of the computer and the insertion and retrieval of case law, statutes, etc., and now feels that in order to properly understand this concept, it should partake of some educational course on the computer. Certain inquiries have been made of I.B.M. who, at no cost to the Society, have proposed a programme which would consist of two days — the first day being devoted to an understanding of the concepts and terminology of the computer and the second day being devoted to the research presently being carried out in the area of information retrieval as it relates to the legal profession. Your Committee has decided to take this course and has instructed its Secretary to see if it can be arranged for Thursday the 26th and Friday the 27th of June 1969. Your Committee also recommends that consideration be given to inviting to this course other members of the profession who are not Benchers but who are doing work in this area of research.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letters from the Chief Justice of Ontario and Mrs. Gale, His Honour Chief Judge Willmott, and Mr. E. E. Stewart, Deputy Minister of University Affairs, thanking the Treasurer and Benchers for entertaining them at dinner on March 21st prior to the Call to the Bar ceremony at O'Keefe Centre.

Letter from the Chief Justice of Ontario thanking the Treasurer for including him among the guests at the luncheon in honour of Lord Denning.

Letter from Lord Denning thanking the Treasurer and Benchers for their kindness to him and Lady Denning during their recent visit.

ORDERED that the correspondence be received and filed.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 16th day of May 1969.

W. G. C. HOWLAND,
Treasurer

MEETING OF SPECIAL CONVOCATION

Thursday, 8th May 1969
2 p.m.

PRESENT:

The Treasurer, and Messrs. Arnup, Beament, Bowlby, Cass, Cassels, Dubin, Evans, Fennell, Gray, H. E. Harris, Levinter, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Robins, Sheard, Slemin, Steele and Strauss.

BUILDING COMMITTEE

At the request of the Treasurer Mr. Sheard presented the Report of the Building Committee:

On the 21st of November, 1968, Convocation considered the report of this Committee dealing with three items:

(a) renovations of the Bar Admission Course area;
(b) renovations of the Society's general offices including Discipline Committee rooms; and
(c) areas for the use of the profession generally.

Your Committee recommended that items (a) and (b) be proceeded with including the installation of air cooling equipment, but that item (c) be deferred for the present. The estimated cost then was $625,000.00. This did not include $22,000.00 for a sprinkler system which the fire marshall now insists be installed, nor $11,500.00 for increased capacity of the air cooling compressor. Later, on the 21st of February, 1969, Convocation approved a further recommendation that the upper floor of the Phillips-Stewart Library, which will be used as a reading and study area, be air conditioned along with the rest of the Bar Admission Course part of the building. This would involve an additional cost of approximately $7,000.00. The air conditioning compressor will have sufficient capacity to service the whole of the Society's premises at some future time.

The Society's architect, Mr. Arthur Heeney, was instructed to call for tenders for the work approved by Convocation. Tenders were called under the following headings:

1. General contracting
2. Electrical contracting
3. Sprinkler system
4. Air conditioning.

Your Committee met on Friday, 25th April, 1969, at 4:30 p.m. the Treasurer and Messrs. Common, Levinter and Sheard being present. Mr. Heeney and Mr. Gale of H. H. Angus & Associates Limited were also present.

The Committee considered the tenders which had been received for the various classifications of work.

The low tenders totalled $744,256.95.

In addition to this figure will be approximately $20,000.00 for carpeting and drapes and also the architect's fees.

The grand total to accomplish the work approved by Convocation will be approximately $816,000.00.

After a full discussion with Mr. Heeney of the basis upon which the work should proceed, your Committee accepted his recommendation that it would be to the Society's advantage to enter into a contract with Dalton Engineering & Construction Limited for the execution of the project on the basis of the low tenders at a fixed fee of $41,000.00 which includes a management fee of $19,297.95 for the day to day supervision of the mechanical trades. Your Committee so recommends to Convocation.

Mr. Sheard moved the adoption of the Report, seconded by Mr. Levinter, and included in the motion that the Society obtain a 50% performance bond at a premium of about $1,800.00 to be payable by the Society. *Adopted*

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 16th day of May 1969.

W. G. C. HOWLAND
Treasurer

MINUTES OF CONVOCATION

Friday, 16th May 1969
10 a.m.

PRESENT:

Messrs. Beament, Bowlby, Callon, Cass, Chitty, Clement, Creighton, Dubin, Estey, Fennell, Ford, Gray, H. E. Harris, Henderson, Howland, Levinter, Maloney, MacKinnon, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin, Steele, Strauss, Thom, Weir, Williston and R. F. Wilson.

Mr. Terence Sheard, Q.C., was elected Chairman.

ELECTION OF TREASURER

Mr. W. G. C. Howland, Q.C. was elected Treasurer for the ensuing year.

Mr. Howland then took the Chair. He thanked Convocation for the confidence which it had shown in re-electing him for a second term. He assured Convocation that he was even more mindful than he was a year ago of the responsibilities the office entails. He then reviewed the highlights of what had been accomplished in the past year and outlined the important matters which must be dealt with in the coming year.

The Minutes of the meetings of Convocation of the 18th April and the 8th May, 1969 were read and confirmed.

ELECTION OF BENCHER

Mr. George Herbert Lochead, Q.C. of Kitchener was elected a Bencher to fill the vacancy resulting from the Treasurer becoming a Life Bencher by reason of having held the office of Treasurer.

APPOINTMENT OF AUDITORS

Moved by Mr. Robins, seconded by Mr. Beament, that Clarkson, Gordon & Company be appointed Auditors of the

Society for a period of one year from the 1st July 1969 at an annual fee of $2,500.00. *Carried*

CANADIAN BAR ASSOCIATION

Moved by Mr. Strauss, seconded by Mr. MacKinnon that Mr. J. D. Arnup, Q.C. and Mr. S. L. Robins, Q.C. be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the annual meeting of the Association in 1969. *Carried*

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Moved by Mr. Henderson, seconded by Mr. Ford, that Mr. W. G. C. Howland, Q.C. be appointed the Society's representative on the Executive of the Conference of the Governing Bodies of the Legal Profession in Canada. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 8th day of May, 1969, at 11.30 a.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Cass, Gray, Pattillo, Sheard and Slemin.

BAR ADMISSION COURSE

PETITION

John Thomas Brett entered the Bar Admission Course in September, 1968, and is presently under articles with the firm of Messrs. Osler, Hoskin & Harcourt, Toronto. Mr. Brett has accepted a position as the Executive Assistant to the Leader of the Government in the Senate. He asks permission to postpone for one year his attendance at the teaching period and to be allowed to enter in September, 1970. *Approved*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 8th of May, 1969, at 12:00 noon, the following members being present: Mr. A. S. Pattillo, Chairman, and Messrs. Beament, MacKinnon, Robins, Sheard and Slemin.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Bar Admission Course

The following candidates having successfully completed the Tenth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00, now apply for Call to the Bar and to be granted a Certificate of Fitness:

Minoo Khoorshed
John Russell Schram

Approved

ADMISSION OF STUDENT-AT-LAW

Bar Admission Course

The following candidate having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers applies for admission to the Law Society as a student-at-law in the Bar Admission Course, as of September 1, 1968:

Under Bar Admission Course Regulations — Part II - No. 3

455. SLONIOWSKI, Joseph Emele, B.A. Toronto 1964, LL.B. Osgoode 1968.

Approved

DIRECT TRANSFERS

Robert Cuthbertson Muir (B.Sc. University of Manitoba 1952; LL.B. Manitoba Law School 1957) was called to the Bar of Manitoba in 1957, and became a member of the Alberta Bar in 1958. Mr. Muir has been, since 1958, in the Law Department of Gulf Oil Canada Limited (formerly British American Oil Company Limited) in Calgary, Alberta, until being transferred to Ontario early in 1969. He presents a Certificate of good standing from the Law Society of Alberta and seeks to proceed under Regulation 2. *Approved*

Calvin George Scarfe (B.A. University of Manitoba 1950; LL.B. University of Manitoba 1953), was called to the Bar of the Province of Manitoba and admitted as a solicitor in 1953 where he has practised continuously to the present. Mr. Scarfe

was allowed to write the May 1969 examination as required by Regulation 2 subject to the approval of this Committee.
Approved

UNITED KINGDOM SOLICITOR

Ramkissoon Pooran asks to be allowed to proceed under Regulation 8, subject to producing a current Practising Certificate as an English solicitor. Mr. Pooran is from Trinidad and has forwarded a 1968 Practising Certificate as an English solicitor. *Approved*

COMMONWEALTH TRANSFERS

Arshad Bhatti (B.A. and LL.B. degrees obtained from Pakistan) was admitted as a Pleader by the High Court of West Pakistan, Lahore in 1959. Mr. Bhatti caused his license to be suspended from August 1962 to January 1963 while he was legal correspondent for the Associated Press of Pakistan. In 1963 he resumed active practice at Sargodha and continued until December 1965. In March 1966 he moved to Teheran (Iran) and was mainly involved in giving legal advice to the Pakistani community living there. In May 1967 he was engaged as headmaster, Pakistan Embassy High School Jeddah (Saudi Arabia) and gave advice to the community about legal matters. Mr. Bhatti moved to Canada in November 1968 and now seeks to proceed under Regulation 10(b). The Secretary advised Mr. Bhatti that he did not appear to comply with our Regulations since he had not practised continuously. Mr. Bhatti has asked to be allowed to attend to make submissions to the Committee.

The applicant attends and makes submissions.

Your Committee recommends that he be advised he cannot qualify under the Society's Regulations.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May, 1969 is before the Committee. Seven candidates sat the examinations. The following candidates passed:

Robert Brunsdon Davies
Robert Simpson MacLellan
Edward Gordon Sheasby

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on the 8th day of May 1969, the following members being present: Mr. Sheard, Chairman, and Messrs. Fennell, Gray, Levinter, McLaughlin, Pattillo and Pepper.

ACCOUNTS

The Secretary reports that from the 1st April to the 30th April 1969 accounts, including Library Accounts, properly approved, to the amount of $73,911.95 have been paid.

Approved

FINANCIAL STATEMENT, 1st July 1968 to 30th April 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1968 to the 30th April 1969. *Approved*

ROLLS AND RECORDS

The Secretary reports that the following members of the Law Society have died:

Lloyd W. Sharpe, Q.C., Hamilton	Called — 30 May 1922; Deceased — 8 April 1969.
Samuel J. Hennick, Oshawa	Called — 17 September 1931; Deceased — 26 January 1969.
Alexander L. Gray, Toronto	Called — 18 June 1936; Deceased — February 1969.
Francis M. Reid, Simcoe	Called — 21 June 1928; Deceased — 1st April 1969.
James M. Forgie, Pembroke (Honorary Life Member)	Called — 18 September 1914; Deceased — 3 May 1969.
Erdman Friesen, Port Hope	Called — 20 September 1945; Deceased — 16 April 1969.
William G. Perry, Q.C., North Bay	Called — 20 June 1946; Deceased — 5 May 1969.

Noted

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1968. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

TERMINATION OF SUSPENSION

At its meeting on the 10th April 1969 your Committee recommended the suspension of eleven members who were in arrears for fees for more than one year. Since then the following have paid their fees and are entitled to be reinstated:

Hugh R. Latimer, Truro, N.S.

Approved

OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY

Removal of Portraits

A request was made by the Dean of the Osgoode Hall Law School of York University that he be allowed to take to the new building on the York Campus the portraits of former Principals and Deans, trophies associated with the Law School, certain pictures now hanging in the Students' Common Room, as well as student records and class pictures for the period since the school began to award the degree of LL.B.

The Dean also requested permission to be allowed to make a replica at York of the Honour Boards which record the names of medal winners.

The Dean also asked if it were possible for the Society to make available a portrait of William Osgoode and some pictures of Osgoode Hall.

It was suggested that this matter be referred to the Treasurer and the Chairman of the Finance Committee and the Chairman of the Muniments and Memorabilia Committee, with power to act.

The Dean reported that he is ascertaining whether it will be possible to obtain a second bronze casting from the original plaster portrait of the late Dean Falconbridge. The original belongs to Mr. Robert F. Reid, Q.C. and Professor Donald Spence. He asks, however, if a copy cannot be made, whether the existing bronze which stands in the civic square entrance to the Society's premises, could be taken away to York University.

It was suggested that this matter also be referred with power to act to the Treasurer, the Chairman of this Committee and the Chairman of the Muniments and Memorabilia Committee if that should be necessary.

THE REPORT WAS ADOPTED.

TERMINATION OF SUSPENSION

Moved by Mr. Sheard, seconded by Mr. Levinter, that pursuant to the provisions of Section 45 of The Law Society Act, R.S.O. 1960, cap. 207, the following Barristers be reinstated as of this date, and that their period of suspension from 18th April 1969 be terminated forthwith:

Hugh R. Latimer, Truro, N.S.

Carried

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 8th day of May 1969, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, and Messrs. Evans, MacKinnon, O'Driscoll, Slemin and Strauss.

Your Committee considered various matters and necessary instructions were issued to the Secretary.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 8th day of May, 1969, the following members being present: Mr. Steele, Chairman, Messrs. Beament, Cassels, H. E. Harris, Maloney and Strauss, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to April 30th, 1969 are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	19,447.15	2,080.92	74,653.28

Approved

GIFTS AND DONATIONS

Mr. Hamilton Cassels, Sr., Q.C. has presented a copy of the Canadian Ten Year Digest, 1901-10, consisting of two volumes, to the Great Library.

Mr. E. A. R. Newson, Q.C. has donated a number of unbound copies of *Chitty's Law Journal* to the Great Library.

Noted

Australian Reports

The Chief Librarian requested authority to acquire the following Australian Reports (including Annual Subscriptions) at a total price of $1,898.75: (1) The *New South Wales Weekly Notes,* 1884-1966/67, numbering 50 volumes; (2) The *Queensland Justice of the Peace,* 1907-1968, numbering 62 volumes. The Chief Librarian receives frequent requests for these Reports. *Approved*

Book List

A list of books which have been purchased was presented for approval. *Approved*

County Libraries

Annual Grants

The following Associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1969 and the amount which they received in 1968 is as follows:

		1969	*1968*
Lambton		$1,325.00	$1,350.00
Lennox and Addington		600.00	600.00
Lanark		600.00	600.00
Norfolk		600.00	675.00
Parry Sound	600.00		
Less loan	200.00	400.00	400.00
Peel	$1,850.00		
Less loan	700.00	1,150.00	1,150.00
Sault Ste. Marie		1,350.00	1,462.50

Approved

Reporting

Request for Reasons for Judgment

Your Committee has received an inquiry from a publishing company as to the cost involved in this company's obtaining copies of all Reasons for Judgment. This company proposes to publish a "Digest" of Judgments for the profession. The Secretary was instructed to obtain particulars in respect of costs to the Society in making these copies available.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th of May, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell and Steele.

A number of matters were considered including several advertisements appearing in newspapers which were referred to your Committee for investigation. The appropriate instructions were given to the Secretary.

THE REPORT WAS RECEIVED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Minoo Khoorshed
John Russell Schram

DISCIPLINE COMMITTEE—Mr. Gray

RE: FREDERICK JAMES BANNON, Richmond Hill

Counsel was retained by the Society to consider the evidence before a Royal Commission inquiring into the fitness of the solicitor while acting as a magistrate, to determine whether any circumstances revealed in the evidence warranted action by the Society. Based on counsel's report, Notice of Complaint was served upon the solicitor, containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct in that you
>
> 1. acted as a solicitor for Miss Dorothy Mildred Gardhouse Garbutt in procuring a mortgage on the home of Vincent Alexander, which mortgage to your knowledge was to be a first mortgage and as procured stood third in priority to other charges against it and withheld such information from your client in order that the mortgage advance would be completed.
> 2. participated in the advance made by the client under the said mortgage by retaining $5,000.00 thereof for

your own personal use without advising your client or disclosing your interest therein.

The Notice of Complaint was made returnable before your Committee on December 13th 1968 at which time an adjournment was sought and granted to January 27th 1969. On that day your Committee was composed of Mr. W. Gibson Gray, Chairman, and Messrs. Bowlby, Dubin, H. E. Harris and Pepper. Mr. D. K. Laidlaw, Q.C., attended as counsel for the Society and Mr. R. Roy McMurtry as counsel for the solicitor. Evidence was heard and the matter continued on January 28th and February 15th 1969, the Committee being constituted as before.

The solicitor attended with his counsel, Mr. R. Roy McMurtry, who made no submissions.

Upon the evidence before it your Committee finds the complaint with respect to the allegation of professional misconduct concerning the affairs of Miss Dorothy Mildred Gardhouse Garbutt to be established.

Your Committee recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published. *Carried*

THE REPORT WAS ADOPTED.

The solicitor returned and was reprimanded by the Treasurer.

Messrs. Creighton, Ford and Williston were not present throughout the consideration of this matter, and so took no part and did not vote.

LEGAL AID PROGRAMME COMMITTEE—Mr. Beament

Your Committee met on Thursday, the 15th day of May, 1969, the following members being present: Mr. G. Arthur Martin, in the Chair, and Messrs. Beament, Bowlby, Ford and Levinter.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 83(2) of the Regulation.

CONTROLLER'S REPORT

a) The Controller submitted a summary of applications for the 12 months ended March 31st, 1969.

The Summary of Applications for Legal Aid received in the 12 months ended March 31st, 1969 shows that total formal applications of 57,884 exceeded those of last year by 3,124. It should be noted that total refusals for the year under review 5,728 represent approximately 10% of applications received. This figure should be compared to a 6% refusal rate for the preceding year.

Certificates issued, including Provisional Certificates issued during the year, amounted to 50,896 or an increase of 2,486 over the corresponding figure for 1968.

Persons assisted by Duty Counsel 79,583 show an increase of 12,379 over last year's figure, almost all of this increase coming in the Provincial Judges Courts.

Applications for Legal Aid under Section 14 of the Act considered by Area Committees totalled 1,254 being an increase of 295 over the corresponding figure last year. The refusal rate by Area Committees remains approximately the same as last year, namely 40%.

b) The Controller submitted the financial statement for presentation to the Provincial Auditor.

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report for the month of April, 1969.

The Committee commended the Legal Accounts Officer and his Acting Deputy, on the improvement in the status of legal aid accounts.

SOLICITORS ELECTING TO A HIGHER COURT

At the November meeting of Area Directors, the use of a limited certificate in criminal matters where there is a right to elect, was discussed. It was recommended that an initial certificate should be issued limited to "the Magistrate's Court".

G. Arthur Martin, Q.C., has stated that a solicitor should not be bound to comply with instructions of the accused contrary to his advice. If the solicitor feels that the criminal matter should proceed before a provincial judge, he should not be persuaded to act otherwise by an accused. If an accused insists on electing, the lawyer should refuse to continue to act as counsel and so inform the Area Director. The Area Director might then, in the interests of justice, obtain a second opinion. If the opinion of the second counsel confirms the opinion of the first, that should be the end of the matter.

However, the Area Director should not pre-judge a case. If an election is, in fact, made, the solicitor should render an opinion to the Area Director, certifying that it is proper to elect. Such an opinion might read as follows:

> "I hereby certify that I have carefully considered the case upon which the charge is based and all the other relevant circumstances and in my opinion the interests of the accused will best be served if he elects trial to the higher court."

REMOVAL OF SOLICITORS FROM LEGAL AID PANELS

(Section 29(2) of the Regulation)

The Committee reviewed correspondence from the Area Director, Waterloo County, advising that the Area Committee had passed the following resolution:

> "That the Committee submit to the Director of Legal Aid a recommendation that a regulation be enacted preventing any solicitor associated with a solicitor whose name has been removed for cause from the Legal Aid Panels from acknowledging and acting pursuant to certificates for Legal Aid so long as the association with such solicitor continues."

The Committee also considered correspondence from P. R. Sturday, Solicitor, the retiring Chairman of the Area Committee, concerning this matter.

Your Committee was of the opinion that there was great merit in the Waterloo County Area Committee resolution and instructed the Director to write the Area Director informing him that the matter has been referred to the Sub-Committee on Amendments to the Legal Aid Act and Regulation.

AREA COMMITTEES

Section 14(1) of The Legal Aid Act, provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the following areas:

Elgin County

Larry Donald Norris Smith, Solicitor, St. Thomas.

Wentworth County

Dean Ivor Wynne, McMaster University.
H. F. McCulloch, Q.C., Crown Attorney.
John L. Agro, Q.C.

York County

R. Alfred Best, Q.C.

Frank Enfield, Solicitor.

R. C. Rutherford, Q.C.

Lt.-Col. Peter Lindores, Director of Correctional Services, Salvation Army.

Resignations:

Elgin County

Bruce V. Johnson, Solicitor.

York County

Douglas McConney, Executive Director, Social Planning Council of Metropolitan Toronto.

Lt.-Col. Wm. Charles Poulton, Director of Correctional Services, Salvation Army.

THE REPORT WAS ADOPTED.

APPOINTMENT OF SPECIAL COMMITTEE RESPECTING INTERVIEWING PRISONERS IN PENAL INSTITUTIONS

Moved by Mr. Levinter, seconded by Mr. Fennell, that the Treasurer be authorized to appoint a Special Committee Respecting Interviewing Prisoners in Penal Institutions.

Carried

The Treasurer appointed the following Special Committee: Messrs. G. A. Martin, Chairman, Dubin and Maloney.

PRESENTATION

Mr. J. D. Arnup, on behalf of Miss Mary Mason, has presented to the Society for its Muniments and Memorabilia, a copy of a telegram dated July 3, 1947 from W. L. Mackenzie King to Gershom W. Mason, and original letters dated July 7, August 15, September 23, September 27, and October 8, 1947 from the Honourable W. L. Mackenzie King to Gershom W. Mason, Esq., Q.C., written at the time of Mr. King's Call to the Bar and election as an Honorary Bencher.

CORRESPONDENCE

The Treasurer presented the following correspondence: Letters from the Honourable Mr. Justice Wright and the

Honourable Mr. Justice Houlden expressing their appreciation to the Benchers for the luncheon on April 18th.

Letter from Mr. R. J. Roberts, Q.C., Director of the Bar Admission Course, thanking the Treasurer and Benchers for the dinner tendered to the Heads of Courses in the Bar Admission Course.

ORDERED that the correspondence be received and filed.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 20th day of June, 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Friday, 6th June 1969
10 a.m.

PRESENT:

Mr. W. G. C. Howland (Treasurer) and Messrs. Bowlby, Cass, Chappell, Chitty, Evans, Ford, Goodman, Henderson, Levinter, Lochead, Martin, MacKinnon, Robins, Sheard, Steele, Strauss, Thom and R. F. Wilson.

APPOINTMENT OF STANDING COMMITTEES

At the request of the Treasurer, Mr. MacKinnon presented the Report of the meeting of the Treasurer, Chairmen and Vice-Chairmen of Standing Committees:

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted, was held on Wednesday, the 4th June 1969, the Treasurer and Messrs. Bowlby, Evans, Ford, Goodman, Gray, MacKinnon, Sheard and Strauss being present. They recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE

   Messrs. Beament, Fennell, Goodman, Gray, Harris, W. E., Henderson, G. F., Levinter, Isadore, McLaughlin, H. J., Pattillo, Pepper, Robins, Sheard, Steele, Thom, Weir, Wilson, R. F.

2. LEGAL EDUCATION

Messrs. Callon, Cass, Dubin, Estey, Goodman, Gray, Henderson, Jamieson, Maloney, Martin, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Weir, Williston, Wilson, R. F.

3. ADMISSIONS

Messrs. Beament, Callon, Cass, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Williston, Wilson, R. F.

4. DISCIPLINE

Messrs. Beament, Bowlby, Cass, Chappell, Common, Creighton, Dubin, Estey, Evans, Ford, Goodman, Gray, Harris, H. E., Harris, W. E., Henderson, G. F., Levinter, Lochead, Maloney, Martin, MacKinnon, McCulloch, McLaughlin, O'Driscoll, Pattillo, Pepper, Robins, Seymour, Slemin, Steele, Strauss, Thom, Williston, Wilson, P. D.

5. PROFESSIONAL CONDUCT

Messrs. Callon, Dubin, Estey, Evans, Fennell, Ford, Goodman, Gray, Maloney, MacKinnon, O'Driscoll, Pepper, Raney, Slemin, Strauss.

6. LIBRARIES AND REPORTING

Messrs. Cassels, Chitty, Clement, Creighton, Ford, Harris, H. E., Maloney, Martin, Steele, Strauss, Weir.

7. UNANTHORIZED PRACTICE

Messrs. Bowlby, Callon, Cass, Chappell, Dubin, Fennell, Henderson, Lochead, Steele, Strauss, Williston.

8. PUBLIC RELATIONS

Messrs. Bowlby, Chappell, Evans, Harris, H. E., Harris, W. E., Henderson, Jamieson, Lochead, O'Driscoll, Pattillo, Pepper, Roberts.

9. LEGAL AID

Messrs. Beament, Bowlby, Callon, Cass, Common, Dubin, Ford, Levinter, Lochead, Martin, O'Driscoll.

10. LEGISLATION AND RULES

Messrs. Beament, Chappell, Estey, Goodman, Harris, W. E., Henderson, O'Brien, Pattillo, Roberts, Robins, Sheard, Williston, Wilson, R. F.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON APPOINTING FULL-TIME COUNSEL TO THE SOCIETY

The Treasurer has appointed the following Special Committee to investigate the advisability of the Society employing full-time counsel: Messrs. Martin (Chairman), Evans, Gray, MacKinnon and Strauss.

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairmen and Vice-Chairmen were adopted:

Finance Committee: Chairman, Terence Sheard; Vice-Chairman, G. E. Beament.

Legal Education: Chairman, Sydney L. Robins; Vice-Chairman, W. G. Gray.

Admissions: Chairman, Stuart Thom; Vice-Chairman, R. W. Cass.

Discipline: Chairman, F. J. L. Evans; Vice-Chairman, B. J. MacKinnon.

Professional Conduct: Chairman, S. E. Fennell; Vice-Chairman, P. B. C. Pepper.

Libraries and Reporting: Chairman, R. D. Steele; Vice-Chairman, G. W. Ford.

Unauthorized Practice: Chairman, Nathan Strauss; Vice-Chairman, J. D. Bowlby.

Public Relations: Chairman, G. F. Henderson; Vice-Chairman, J. G. J. O'Driscoll.

Legal Aid: Chairman, T. P. Callon; Vice-Chairman, G. A. Martin.

Legislation and Rules: Chairman, R. F. Wilson; Vice-Chairman, E. A. Goodman.

CONVOCATION THEN ROSE.

Read in Convocation and Confirmed this 20th day of June, 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

convened on the campus of York University, 10th June 1969 at 10:30 a.m.

PRESENT

The Treasurer, Mr. W. G. C. Howland, and Messrs. Arnup, Beament, Bowlby, Callon, Carson, Chitty, Common, Evans, Goodman, Gray, Henderson, Levinter, Martin, MacKinnon, O'Driscoll, Pattillo, Robinette, Robins, Strauss, Thom and R. F. Wilson.

When the decision was taken to affiliate Osgoode Hall Law School with York University the students who had already embarked on their law course were given the option of receiving upon graduation an LL.B. degree from the Law Society or from York University. The first graduates of Osgoode Hall Law School of York University assembled in the open air at the campus of York University. The Marshal of the University, the Dean and Faculty, Osgoode Hall Law School of York University, the honorary doctorands, members of the Executive Committee of the Senate and University academic officers; members of the Board of Governors and Benchers of the Law Society of Upper Canada; the Secretary of the Senate; and the Chancellor and the Treasurer preceded by the Beadle with Mace, proceeded to a dais erected on the lawn.

The Secretary of the Senate called for order, and the President of the University, Dr. Murray G. Ross, spoke briefly to the graduating students and their guests.

The President of York University requested the University Orator to present to the Chancellor the recipients of the degree of Doctor of Laws, honoris causa, to be conferred by the Chancellor on behalf of York University. The degree was conferred upon:

George Alexander Gale
John Napier Turner
John Douglas Arnup
Laurence Cecil Bartlett Gower
Albert Martin Sacks.

Illness prevented the Right Honourable John Robert Cartwright, Chief Justice of Canada, from being present, and the degree was conferred upon him, in absentia, and accepted by his daughter, Mrs. John D. Leitch, on his behalf.

The President of York University then presented to the Chancellor of York University, Ronald Alfred Furness, the candidate for the degree of Master of Laws. He then presented to the Chancellor of York University and to the Treasurer the candidates for the degree of Bachelor of Laws. The following, having elected to receive their degree from the Law Society of Upper Canada, had conferred upon them the degree of Bachelor of Laws by the Treasurer:

William Thomas Abbott
Angelo Vincent Aiello
Julie Evelyn Amourgis
Robert Thomas Anderson
Wayne Stephen Anderson
John Gibsone Armstrong
Robert Norman Ash
David Jeffrey Atkinson
John Ross Bagshaw
Joseph Sheldon Balitsky
Joseph Conrad Barrows
William Gordon Beach
Donald John Bellehumeur
Mary Ellen Elizabeth Boyce
Mary Theresa Joan Brennan
Richard Keith Broadfoot
Reuben Bromstein
Gordon Phillip Brown
James Vincent Norman Bubba
Robert Douglas Cartlidge
Terrence William Caskie
Alan Barry Clairman
Peter Edward Cochrane
Jonathan Charles Cohen
Michael Victor Cohen
Roy Benjamin Conacher
Robert Ellis Arthur Costello
James Dalgeranis
Richard Bertram Day
Michael Gerrard De Cosimo
Joseph Michael Dube
Michael James Dwyer
Peter Anthony Eickmeier
Roger Raymond Elliott
Douglas Sydney Ewens
Bela William Andrew Fejer
Martin Fingerhut
Michael John Fingret
Peter Bruce Forbes
Jack Marvin Futerman
Maurice Henry Gatien
John Stuart Grant
Glynn Richard Green
Charlotte Bell Grenon
Jack Morris Grossman
Christopher Stephen Guest
Donald Bruce Hawkins
Michael Henry Holden
John Todd Holmes
Peter Arthur Hustler
Arthur Osher Jacques
Martin Jacobson
James Ralph Johnson
William Anderson Joyce
Frederick Stanley Kelman
Sheldon Ernest Kirsh
Gerald Richard Kluwak
Andrew Charles Knox
Lubomir Kozak
John McLaren Langs
Larry Edwin Lant
Joseph Liberman
Robert Charles Logan
James Melville Longstreet
Michael William Manley
George Allan Marron
Arthur John Reynolds Mastin
Robert James Metcalfe
Ronald Francis Mitchell
Grant Richard Moore
John Donald Morand

Carlo Thomas Morra
Jona Laurelle Morra
Dennis Stephen Morris
Whiholele Mundebah
David John Mungovan
William Ernest MacLean Naylor
John Hunt Nolan
Ronald Stewart Noseworthy
Joel Alan Organek
Barry Berge Papazian
Brian Thomas Matthew Pape
Paul Jeffrey Pape
Robert Arsen Partyka
Martin Joseph Pawelek
Murray Douglas Pearson
Richard Rutland Perdue
Donald Cameron Plaunt
Lloyd Pollack
John Sebastian Poupore
Robert Emerson Pritchard
William Allen Raisbeck
Dale Lois Robinette
Lawrence Robinson
Clarence Rosenberg
Barry Philip Rosenblood
James David Macbean Ross
Ernest Rovet
George Hastings Rust-D'Eye
Victor Michael Saccucci
Werner Schwantje
Bruce Edward Scott
Charles Scullion
Katherine Jane Segsworth
Ronald John Shaw
Michael Joseph Shea
Garry Shewan
Earle Israel Shoihet
Joseph Nathan Solomon
Gerry Sternberg
Paul Martin Stillman
Harvey Thomas Strosberg
Gilmour George Sweezey
Peter Mills Thompson
Matti Tuvikene
Stanley Udell
Paul Michael Valenti
Michael Andrew Wadsworth
Alan Baker Wainwright
Allen Weinstein
David Stevenson White
Anthony Robert Graham Wight
Robert Douglas Wilson
Andrew Dickson Wood
John Arthur Woods
Stephen Sheldon Yanover
Marvin Yontef
Albert Young
James Douglas Young
Peter Gavin Franklin Young
Daniel Robert Zadorozny
John William Zinkann

The Treasurer then addressed the members of the graduating class and their guests.

The President of York University presented the following medals, scholarships and prizes:

Gold Medal — S. R. Fodden.

Bronze Medal — B. B. Papazian, G. I. Kirke.

The Chancellor Van Koughnet Scholarship — S. R. Fodden.

The Christopher Robinson Memorial Scholarship — B. B. Papazian.

The Matthew Wilson Memorial Scholarship — G. I. Kirke and G. H. Rust-D'Eye.

The Clara Brett Martin Memorial Scholarship — J. V. N. Bubba.

The Prize in Conflict of Laws — J. G. Armstrong.

The Prize in Creditors' Rights — M. G. Appel.

The Prize in Labour Relations Law — S. R. Fodden.

The Insurance Company of North America Prize in Insurance Law — H. C. Mills Memorial Award — G. I. Kirke.

The Prize in Income Tax — J. A. Organek.

The Northern Ontario Prize — J. V. N. Bubba.

The Butterworth Prize — G. W. Cooper.

The Prize in Public International Law — J. Dalgeranis.

The Thomas Cowper Robinette Memorial Prize — J. Dalgeranis.

The Canada Permanent Trust Company Prize — G. I. Kirke and B. B. Papazian.

The President of the Legal and Literary Society then presented the Gold Key Awards.

The President of York University announced that owing to the illness of the Rt. Honourable John R. Cartwright, there would be no Convocation address.

Convocation was then dismissed by the Secretary of the Senate.

The Treasurer and Benchers and their wives and guests were entertained at a buffet luncheon in the Dining Hall of Vanier College.

At 2:30 o'clock p.m. a ceremony of dedication of the new building of the Osgoode Hall Law School of York University took place in the Moot Courtroom of the new building. Short addresses were given by Mr. W. P. Scott, Chairman of the Board of Governors of York University, the President of York University, the Treasurer of The Law Society of Upper Canada and the Honourable William G. Davis, Q.C., Minister of University Affairs. The Honourable G. A. Gale, Chief Justice of Ontario, then dedicated the new building. Dr. L. C. B. Gower, LL.B., LL.M., LL.D., F.B.A., Law Commissioner, England, and Dr. Albert Martin Sacks, B.B.A., LL.B., LL.D., Professor and Associate Dean, Law School of Harvard University, gave addresses on legal education.

At 4 o'clock p.m. the Law Society of Upper Canada, The Advocates' Society, The Lawyers' Club of Toronto and the County of York Law Association joined in tendering a reception in the new Law School Building.

At 7:30 o'clock p.m. the Treasurer and Benchers were received in the Senior Common Room, Winters College, and entertained at dinner. Following dinner Mr. Arnup and the Honourable John N. Turner spoke.

Read in Convocation and approved this 20th day of June, 1969.

W. G. C. HOWLAND,
Treasurer

MINUTES OF CONVOCATION

Friday, 20th June 1969
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland), and Messrs. Beament, Bowlby, Callon, Cass, Cassels, Chappell, Chitty, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, Henderson, Levinter, Lochead, Martin, MacKinnon, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Sheard, Steele, Strauss, Thom and Williston.

The Minutes of Convocation of May 16th, June 6th and June 10th, 1969 were read and confirmed.

APPOINTMENT TO THE SENATE OF YORK UNIVERSITY

Mr. W. G. Gray, Q.C., was nominated to succeed Mr. W. G. C. Howland, Q.C., on the Senate of York University for the three-year term commencing July 1st, 1969.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 5th day of June, 1969, the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Cass, Goodman, Henderson, Sheard, Thom, Williston and R. F. Wilson.

BAR ADMISSION COURSE

ESTIMATES 1969-1970

The Committee approved a budget for the Bar Admission Course showing a deficit of $37,887.00 over the $200,000.00 grant to be received during the year from the Provincial Government, and submitted it to the Finance Committee.

CONTINUING EDUCATION

ESTIMATES 1969-1970

The Committee approved a budget for Continuing Education showing an expected profit of $10,000.00, and submitted it to the Finance Committee.

Your Committee met again on Thursday, the 12th day of June, 1969 at 2:30 p.m., the following members being present: Mr. S. L. Robins, Chairman and Messrs. Callon, Estey, Henderson, MacKinnon, Sheard, Thom and Williston.

BAR ADMISSION COURSE

PETITIONS

Michael Allan Levine entered the Bar Admission Course in September, 1968, and is presently under articles with the firm of Messrs. Robins & Robins. Mr. Levine would like to accept an appointment as Senior Economist in the Transportation and Communications Branch of the Ministry of Economic Affairs and Development Planning in the government of the United Republic of Tanzania. East Africa. He asks permission to postpone for two years his attendance at the teaching period and to be allowed to enter in September, 1971.

Approved

In a letter from Mr. J. Stafford H. Beck dated 29th May, 1969, he proposes that his son, *Charles Stafford Beck*, during his service under articles, spend half his time each day working for Mr. John Armstrong and the remaining half working for him. Mr. Armstrong's practice consists of litigation and Mr. Beck devotes his time mainly to estates, real estate, mortgages and some corporation work. Mr. Beck feels that by this plan his son would obtain a broad training in law.

Mr. J. Stafford H. Beck's letter is before the Committee.

Approved

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Sheard

The Chairman presented the Report of the Sub-Committee on Insurance which had been submitted since the Committee met on June 10th, 1969.

Your Committee met on Thursday, the 12th day of June, 1969, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), Fennell, Goodman, Henderson, Levinter and Steele.

ACCOUNTS

The Secretary reports that from the 1st May to the 31st May, 1969, accounts, including Library Accounts, properly approved, to the amount of $88,145.18 have been paid.

Noted

Financial Statement, 1st July, 1968, to 31st May, 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July, 1968, to the 31st May, 1969. *Approved*

Estimates, 1969-1970

The Committee had before it the estimates for each of the Society's Standing Committees.

Approved

Rolls and Records

The Secretary reports that the following former members of the Law Society have died:

Albert J. Parkhill, Q.C. Oshawa	Called—February 1925; Deceased—23 April 1969.
Frederick D. Reilly, Toronto (Honorary Life Member)	Called—1910; Deceased—4 May 1969.
Barry D. Feagan, Q.C., Port Colborne	Called—14 September 1951; Deceased—17 May 1969.
Gordon I. Farquhar, London	Called—21 June 1963; Deceased—23 April 1969.
Richard C. Barber, Ottawa	Called—29 June 1948; Deceased—22 January 1969.
Charles P. Sale, Q.C., Windsor	Called—16 October 1924; Deceased—22 May 1969.

That the following former member of the Law Society has ceased to be a British subject or a Canadian citizen, and his name has been removed from the rolls and records of the Society: James H. Banks, Beverly Hills, Calif., U.S.A. — Called—18 February 1966.

By letter dated May 22, 1969, advised that he had become an American citizen and a member of the California bar.

Noted

Suspension — *Cameron James Ross English*

Your Committee recommends that Cameron James Ross English be suspended from practice so long as the Order of His Honour Judge Grant, dated February 27th, 1969, is in force.

Application for Re-Admission—A. B. M. Bell

Mr. Andrew B. M. Bell was Called to the Bar in 1938, and in 1967 resigned his membership in the Society. He now asks to be re-admitted upon payment of all fees he would have been liable for had he remained a member.

Your Committee recommends that, subject to the approval of the Admissions Committee and payment of fees of $300.00, he be reinstated.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1968. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

MUNIMENTS AND MEMORABILIA COMMITTEE

Re: Baldwin Portraits

At its meeting on the 8th May, 1969 this Committee recommended the expenditure of $1,800.00 to restore the portraits of The Honourable Robert Baldwin, Sir Francis Hincks and Sir Louis Hippolyte Lafontaine. At its meeting on May 16th Convocation referred the matter back for further consideration.

Your Committee recommends that the portrait of the Honourable Robert Baldwin only be restored at a cost of $600.00.

BAR ADMISSION COURSE — *Honoraria* — *Deductions for Canada Pension Plan*

After lengthy negotiations with the Department of National Revenue, Mr. Thom was instrumental in having the Department write to the Society ruling that the lecturers in the Bar Admission Course are not the Society's employees for the purpose of the Canada Pension Plan, including Instructors, Stand-by Instructors, Special Lecturers and Examination Markers. The department also considers Legal Aid Consultants to fall within the same classification as Area Directors who were ruled in August, 1968 not to be the Society's employees.

Noted

BARRISTERS' DINING ROOM

Mrs. Margaret Bested submits a Statement of Profit and Loss for the year ended December 31, 1968.

Received

SUB-COMMITTEE (Finance) on SALARIES

The Report of the Sub-Committee (Finance) on Salaries is before the Committee:

Your Committee recommends approval of the Report, to take effect on the 1st July, 1969.

Moved by Mr. Goodman, seconded by Mr. Bowlby, that the recommendations of the Sub-Committee on Salaries be referred back to the Finance Committee for further consideration.

The motion was lost.

The Report, including the Report of the Sub-Committee on Insurance was adopted.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on the 6th day of June, 1969, the following members being present: Mr. S. D. Thom, Chairman, Mr. R. W. Cass, Vice-Chairman and Messrs. Beament, MacKinnon, Robins, Sheard, Williston and R. F. Wilson.

ESTIMATES

The Estimates for the year 1969-1970 were considered and approved at $3000.00 and submitted to the Finance Committee.

Your Committee met on Thursday, the 12th of June, 1969, at 2:00 p.m., the following members being present: Mr. S. D. Thom, Chairman, and Messrs. Beament, Callon, MacKinnon, Robins and Sheard.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Tenth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Peter Lockhart Gordon

Approved

Transfers from Another Province

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now apply for call to the Bar and to be granted Certificates of Fitness:

Robert Brunsdon Davies, British Columbia
Robert Simpson MacLellan, Nova Scotia
Edward Gordon Sheasby, British Columbia

Approved

DIRECT TRANSFER

Ingrid Christel Hutton (*Mrs.*) (B.A. University of Alberta 1963; LL.B. Alberta 1964), was called to the Bar of Alberta in August, 1965. Mrs. Hutton practised in Alberta until accepting employment as a solicitor in the Legal Advisor's Office of the Department of Indian Affairs and Northern Development. In March, 1968 she transferred to the Combines Branch of the Department of Consumer & Corporate Affairs as a legal officer and continues in that capacity. Mrs. Hutton presents a Certificate of good standing from the Law Society of Alberta and seeks to proceed under Transfer Regulations 2 and 4.

Approved

UNITED KINGDOM SOLICITORS

Geoffrey R. Bell seeks to proceed under Regulation 8, subject to his producing a current Practising Certificate as an English solicitor before the September 1969 Bar Admission Course begins.

Approved

Therese Pei-Fong Chow of Hong Kong presents a current practising certificate as a solicitor in the United Kingdom and seeks to proceed under Regulation 8.

Approved

Alfred Ramchander Sawh presents a current practising certificate as a solicitor in the United Kingdom and asks to be allowed to proceed under Regulation 8.

Approved

COMMONWEALTH TRANSFERS

A. Midhat Berberoglu holds a Diploma in Law from the Faculty of Law, University of Istanbul (Turkey). He is a Barrister-at-law of the Middle Temple, London, and was called to the Degree of Outer Bar in February 1952. He has been practising as an Advocate of the Supreme Court of Cyprus since March 1952 to the present.

Your Committee recommends he be allowed to proceed and try the examinations prescribed by Regulation 10(b).

Benedict Expectation d'Silva (LL.B. degree Government Law College University of Bombay 1941) was enrolled as an advocate of the High Court of Uganda in 1948. He was in active practice in Uganda and a member of the Uganda Law Society in good standing up to December 1964 when his membership was suspended at his request when he was appointed Magistrate Grade One in January 1965 and continues in that position. He seeks to proceed under Regulation 10(b).

Approved

Jag Mohan Katyal (B.A. degree Agra University 1958; LL.B. Agra University 1962), has practised as an advocate of High Court in India since 1962 and until leaving India in June 1967. He arrived in Canada in October 1968 and contacted the Society at that time. He has been employed as a law clerk by Messrs. Thomson, Rogers in Toronto since November 1968 and now seeks to proceed under Regulation 10(b) subject to producing a certificate of good standing and proof of practice. Mr. Katyal states he will be remaining with the firm of Thomson, Rogers if successful in his application and completing the Bar Admission Course.

Your Committee recommends approval subject to his producing satisfactory evidence of his five years' practice.

Chaudhri Ilyas Mohammed (LL.B. University of the Panjab 1959) was admitted as Pleader to the High Court of West Pakistan, Lahore in 1960. He presents a Certificate showing that he has been in practice in that District since then to the present. He seeks to proceed under Regulation 10(b).

Approved

Rafiuddin Nizamuddin Shaikh (B.A. University of Poona 1951; LL.B. University of Bombay 1955), was admitted as an Advocate of the High Court of Judicature at Bombay in October 1954. Mr. Shaikh practised continuously in India until coming to Canada in November, 1968. He first approached the Society in February 1969, and seeks to proceed under Regulation 10(b) subject to producing a certificate of good standing and proof of practice.

Approved

BAR ADMISSION COURSE

Anthony Chisholm Abbott asks to be allowed to enter the teaching period of the Bar Admission Course in September, 1969.

Approved

C. K. Kennedy (LL.B. Dalhousie University 1952) was called to the Bar of Nova Scotia in 1952. He practised in Halifax until appointed solicitor to the Air Transport Board, Ottawa in January, 1953. Mr. Kennedy applied to become a member of the Law Society of Upper Canada in 1952 and served articles with an Ontario lawyer between 1954 and 1958. He did not proceed to Call but returned directly to service in the Federal Government in a legal capacity. Mr. Kennedy now seeks to enter the teaching period of the Bar Admission Course rather than sit the Transfer Examinations.

Your Committee recommends he be allowed to enter the teaching period of the Bar Admission Course as he requested.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 6th day of June, 1969, the following members being present: Mr. B. J. MacKinnon, in the Chair, and Messrs. Evans, Ford, Goodman and Strauss.

ESTIMATES

The estimates for the year 1969-1970 were considered and approved at $5,000.00 and submitted to the Finance Committee.

THE REPORT WAS ADOPTED

Your Committee met on the 12th day of June, 1969, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, and Messrs. Estey, Evans, Goodman, MacKinnon, Maloney, O'Driscoll and Strauss.

1. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

Your Committee considered a request from the Middlesex Law Association, for its approval of the placing of professional cards in the History of the Association, the proceeds from the sale to go toward defraying the cost of the preparation of the publication. Your Committee, with reference to the provisions of Ruling 16 subsection 5 which reads as follows:

> "5. A member may insert a card, notice or announcement in good taste in any law list, legal directory, legal periodical or similar publication, when such publication has been approved by Convocation and on such terms as Convo-

> cation may from time to time approve. Such approval may be withdrawn at any time."

recommends that such approval be given.

Your Committee has been asked if it is permissible for a lawyer's card to be published in the "Rotary Lawyers' Roster", which is a book containing the names of lawyers in the United States and Canada who are members of Rotary. Your Committee directed the Secretary to advise the solicitor that it is not a publication that is acceptable for the publication of professional cards.

2. SUB-COMMITTEE ON STEERING AND RULINGS 17 and 18

A report of the Sub-Committee on "Steering and Rulings 17 and 18" has been received. It recommends that Rulings 3, 4, 5, 6, 11, 17 and 18 be repealed and the following Ruling substituted therefor:

PROPOSED RULING ON TOUTING, ADVERTISING AND SOLICITING

1. A member shall not directly or indirectly apply for or seek instructions for professional business or do or permit, in the carrying on of his practice, any act or thing which can reasonably be regarded as touting or advertising or as designed to attract business.
2. While publicity may be a consequence to the proper exercise of his professional duties or of any part otherwise properly done by him, it is improper to do or cause or allow anything to be done for the purpose of personal advertisement.
3. It is improper for a member to seek out the company of or unduly associate with persons who are in a position to send or to influence the sending of professional work.
4. Without in any way limiting the generality of the preceding section or of Ruling 1, the following actions are improper for a member:

   (a) To hold himself out or allow himself to be held out directly or indirectly as being prepared to give professional services at less than the prevailing tariff in order to obtain professional business;

   (b) To permit his name as solicitor, counsel or otherwise on the advertising of a firm or company offering specialized services to the public;

   (c) In private practice to allow his name to appear on the letterhead of a company as being its solicitor or counsel; provided that this restriction does not apply to a member's name being listed on the letterhead of a charitable, philanthropic or educational organization as honorary counsel along with other officers;

(d) To act for a vendor of property who advertises or holds out representations through salesmen or otherwise as an inducement to a purchaser that a registered deed is included in the purchase price or to the solicitor's knowledge directly or indirectly leads purchasers to believe that it is unnecessary for them to be separately represented in the transaction;

(e) To hold out or allow himself to be held out to any prospective purchaser as being better able to act for a purchaser as well as a vendor because of any special knowledge;

(f) To allow a vendor or his agent to hold out to a prospective purchaser that he, the vendor's solicitor, will act for such purchaser and that the vendor will pay the fees of such solicitor other than on a mortgage loan;

(g) To make any arrangement or permit any real estate agent or broker to make a practice of recommending to any party to a transaction that the member's services be retained;

(h) To permit a real estate agent or any other person to share in the fees which are charged to a client;

(i) To act for or accept a brief from a member of a club or organization which makes a practice of "steering" its members;

(j) Notwithstanding clause (i), to act for or accept a brief from a member of an Automobile Club who has been "steered" by such Club.

Your Committee recommends that the Ruling be published as a Proposed Amended Ruling in the *Ontario Reports*.

Moved by Mr. Beament, seconded by Mr. Ford that the proposed Ruling on Touting, Advertising and Soliciting be referred back for editing and publication as a proposed Ruling. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 5th of June, 1969, the following members being present: Mr. Steele, Chairman, Messrs. Chitty, Ford, Maloney, Strauss and Miss R. McCormick.

ESTIMATES

The estimates for the year 1969-70 were considered and approved at $318,610.00 and submitted to the Finance Committee.

Your Committee met again on Thursday, the 12th of June, 1969, the following members being present: Mr. Steele, Chairman, Messrs. Strauss, Williston and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS:

Expenditures by the Great Library up to May 31st, 1969, are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$25,000.00	$3,500.00	$96,000.00
Expenditures	22,164.14	2,560.48	82,311.28

Approved

GIFTS AND DONATIONS

Messrs. Clarkson, Gordon and Company, Chartered Accountants, Toronto, have donated 52 volumes of the following Statutes: Statutes of Canada, 1928-51; and Statutes of Ontario, 1926-49.

Mr. J. Eric Young, Q.C., has donated six volumes of legal works which will be useful in the texts and legal miscellany sections of the Great Library. *Noted*

BOOK LIST

A list of books purchased during May, 1969, was presented for approval. *Approved*

COUNTY LIBRARIES

ANNUAL GRANTS

The following Associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1969 and the amount which they received in 1968 is as follows:

	1969	*1968*
Halton	1,783.34	1,763.54
Lincoln	1,850.00	1,850.00
Muskoka	600.00	600.00
Peterborough	1,300.00	1,250.00
Prescott & Russell	600.00	600.00

Renfrew	708.33	750.00
Stormont, Dundas and Glengarry	766.67	766.67
Sudbury	1,850.00	1,825.00
Thunder Bay	1,225.00	1,364.00

Approved

REPORTING

REQUEST FOR REASONS FOR JUDGMENT

Your Committee has received an inquiry from a publishing company as to whether copies of Reasons for Judgment could be purchased by them at a reduced rate of cost. This company proposes to publish a "Digest" of Judgments for the profession.

In May, 1964, Convocation adopted the recommendation of the Reporting Committee that the Society should make copies of "Reasons" available to law book companies and publishers in Ontario at a reduced rate of 30¢ per page. The publishing company in question is entitled to purchase Reasons at this rate and has been advised accordingly.

SUB-COMMITTEE ON BAR ADMISSION COURSE LIBRARY FACILITIES

This Sub-Committee consisting of Messrs. Steele, Ford and Strauss was appointed by your Committee at its September, 1968, meeting to discuss the matter of Bar Admission Course Library Facilities with the Director of the Bar Admission Course and others who might be interested.

It has now been agreed among all parties interested that Rooms 307 and 309 of the Plan for the Proposed Office Revision for the Law Society, 1969, will provide suitable library facilities for the Bar Admission Course for the foreseeable future.

Your Committee therefore requests these Rooms be put in condition for use and made available to the Bar Admission Course for library facilities.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 5th of June, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Chappell, Henderson, Lochead, Steele and Williston.

ESTIMATES

The estimates for the year 1969-70 were considered and approved at $4,000.00 and submitted to the Finance Committee.

Your Committee met again on Thursday, the 12th of June, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Fennell, Henderson, Lochead, Steele and Williston.

A number of matters were considered by your Committee and the appropriate instructions given to the Secretary. One matter concerning a non-solicitor's letterhead was referred to Counsel for investigation and opinion.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on the 6th day of June, 1969, the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby, Chappell, Lochead and Evans.

ESTIMATES:

The estimates for the year 1969-70 were considered and approved at $6,500.00 and submitted to the Finance Committee.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE—Mr. Goodman

Your Committee met on June 6th, 1969, the following members being present: Mr. R. F. Wilson, Chairman, Mr. E. A. Goodman, Vice-Chairman, and Messrs. Beament, Chappell, Henderson, Sheard and Williston.

ESTIMATES

Your Committee considered the estimates for the year 1969-70 and approved them in the amount of $12,000.00.

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar and the degree of

Barrister-at-Law was conferred upon them by the Treasurer:
Peter Lockhart Gordon
Robert Brunsdon Davies—Transfer—British Columbia
Robert Simpson MacLellan—Transfer—Nova Scotia
Edward Gordon Sheasby—Transfer—British Columbia.

DISCIPLINE COMMITTEE—Mr. Evans

The Report respecting the Compensation Fund and the Discipline Committee for May, 1969, was received.

Re: *Appointment of Referee*

Moved by Mr. Evans, seconded by Mr. MacKinnon, that William J. Smith, Q.C., be appointed a Referee under subsection 10 of Section 53 of The Law Society Amendment Act, 1966, to hold office until his appointment be revoked by the Benchers and that all necessary powers be delegated to him to enable him to carry out his duties, including the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and that he be paid a remuneration to be fixed by the Chairman and Vice-Chairman of the Discipline Committee and the Secretary. *Carried*

Re: *Compensation Fund — Gerard S. MacLean*

Mr. Martin presented the final report of the Discipline Committee with respect to claims against the Compensation Fund.

THE REPORT WAS RECEIVED

RE: ROBERT GEORGE HOLLIS ALEXANDER, Toronto

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF ROBERT GEORGE HOLLIS ALEXANDER OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR.

As a result of qualifications contained in the Solicitor's Annual Report filed for the year 1966, the Society's Accountants commenced an inspection of the Solicitor's books and records. On the basis of the Accountant's Report, the following Notice of Complaint was issued against the Solicitor returnable at 10:00 a.m. on March 11th, 1969:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. contrary to Rule 3 of the Rules Respecting Accounts, have drawn money from your trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;
> 2. contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times, and particularly in the months of October 1966, October 1967, February 1968, and September 1968, sufficient money on deposit in your trust bank account with which to satisfy your indebtedness to clients for trust funds;
> 3. contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed to maintain proper books of account as required by those Rules."

Your Committee met at the appointed time, the following members being present: Mr. Levinter, Chairman, and Messrs. Thom and Williston. The Solicitor appeared without Counsel and admitted service of the Notice of Complaint. The matter commenced on this day, continued on April 11th, 1969, and was finally concluded on June 4th, 1969.

On the evidence before it your Committee finds all of the complaints on the Notice to be established and recommends that the Solicitor be suspended from practice for a period of one year. Your Committee further recommends that at the end of his one year suspension the Solicitor be required to file quarterly, for the next ensuing two years, reconciliation statements of his trust bank account and records. Your Committee also recommends that the Solicitor be required to pay the costs of the Society's investigation.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The solicitor attended with his counsel, Mr. Carl H. Morawetz, Q.C., who addressed Convocation.

Moved by Mr. Bowlby, seconded by Mr. Beament, that the penalty of disbarment be substituted for that recommended.

The motion was lost and the Report was adopted.

Messrs. Cass and Robins took no part in the discussion and did not vote. It was accordingly ordered:

1. THAT the Report of the Discipline Committee in the matter of ROBERT GEORGE HOLLIS ALEXANDER, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said ROBERT GEORGE HOLLIS ALEXANDER guilty of professional misconduct in respect of the charges dealt with by the said Report.

3. THAT the said ROBERT GEORGE HOLLIS ALEXANDER be suspended from practice as a Barrister and Solicitor for the period of one year from the 20th day of June, 1969.

4. THAT at the end of his one year suspension the said ROBERT GEORGE HOLLIS ALEXANDER be required to file quarterly, for the next ensuing two years, reconciliation statements of his trust bank account and records.

5. THAT the said ROBERT GEORGE HOLLIS ALEXANDER be required to pay the costs of the Society's investigation in the amount of $100.00.

CONVOCATION adjourned at 12:30 p.m.

The Treasurer and Benchers entertained at luncheon The Honourable Mr. Justice Schroeder, The Honourable D. C. Wells, Chief Justice of the High Court, The Honourable Dalton Bales, Minister of Labour, Mr. E. H. Heeney, President of the Trust Companies Association of Canada, Mr. Beland H. Honderich, Publisher of the Toronto Star, and Mr. Wilson E. McLean, Q.C., President of the Board of Trade of Metropolitan Toronto.

CONVOCATION RESUMED at 2:25 p.m., a quorum being present.

Re: *A Solicitor*

Mr. MacKinnon, Vice-Chairman, presented the following Report of the Discipline Committee:

Counsel was retained by the Society to investigate a complaint received from the Provincial Director of the Ontario Legal Aid Plan with respect to a solicitor. Based on his report, a Notice of Complaint was served on the solicitor, returnable before your Committee on the 14th of April, 1969, at 10:00 o'clock in the forenoon. It contained the following specific complaint:

Pursuant to Article 88 of the Regulations made under the Legal Aid Act, Statutes of Ontario, 1969, Chap. 80, you delivered a Legal Aid account to the Legal Accounts Officer in respect of your defence of an accused certifying that the legal aid set out therein had been rendered when certain of the services said to have been rendered had not been rendered.

Your Committee met at the appointed time, the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Steele and Strauss.

Upon the evidence before it, your Committee finds the solicitor allocated time incorrectly and misstated some services that he rendered under a legal aid certificate and recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published without the publication of his name and that he be required to pay the costs of the Society's investigation relating to the specific complaint.

Moved by Mr. MacKinnon, seconded by Mr. Strauss that the Report be adopted.

The solicitor attended with his counsel, who addressed Convocation.

The Report was adopted.

The solicitor returned to Convocation and was reprimanded by the Treasurer.

Re: *Lucien Coe Kurata*

Mr. Evans, Chairman, presented the Report of the Discipline Committee:

As a result of an Inquiry concerning Provincial Judge Lucien Coe Kurata, as he then was, the Report of the Commissioner, Mr. Justice Donald A. Keith, was considered.

Your Committee met on Wednesday, June 18th, 1969, at 4:00 o'clock in the afternoon, the following members being present: Mr. B. J. MacKinnon, Vice-Chairman, in the Chair, and Messrs. Goodman, Gray and Williston.

Your Committee recommends that no Notice of Complaint be issued against Lucien Coe Kurata.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted. *Carried*

Messrs. Ford and O'Driscoll took no part in the discussion, and did not vote.

GENERAL REPORT

Re: Estimates and Rules Respecting Accounts

Your Committee met on Friday, June 6th, 1969, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Bowlby, Cass, Chappell, Ford, Henderson, Levinter, Lochead, Martin, Robins, Steele, Strauss and Thom.

ESTIMATES

Estimates for the year 1969-70 were considered and approved in the amount of $94,000.00.

The meeting was adjourned and reconvened at 11:45 a.m. of the same day, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Bowlby, Cass, Chappell, Estey, Ford, Goodman, Henderson, Levinter, Lochead, Maloney, Martin, Steele, Strauss, Thom and Williston. Your Committee had before it proposed amendments to the Rules Respecting Accounts, which were considered and discussed. The matter not being concluded was adjourned to Thursday, June 12th, 1969, at 12:15 p.m., at which time your Committee was constituted as follows: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Bowlby, Goodman, Henderson, Levinter, Lochead, Maloney, O'Driscoll, Steele, Strauss, Thom and Williston. Members of the Professional Conduct Committee were present by invitation.

RULES RESPECTING ACCOUNTS

After consideration of the material before it, your Committee recommends that Rule 9(1), Rule 9(2) and Schedule "A" as set out in the annexed proposed amendments be adopted as Rules Respecting Accounts and that the remainder of the Rules be published in the *Ontario Reports* as proposed amendments to the Rules Respecting Accounts.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

Moved by Mr. Cass, seconded by Mr. Fennell, that the amendments to Rule 9 and the Schedule be dealt with in the same way as the other amendments to the Rules Respecting Accounts. *Carried*

THE REPORT WAS ADOPTED

LEGAL AID PROGRAMME COMMITTEE—Mr. Martin

Your Committee met on Wednesday, the 11th day of June, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Levinter, Martin and O'Driscoll.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 83(2) of the Regulation.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report for the three months ended May 30th, 1969.

(b) Submission of Solicitors' Accounts under the Legal Aid Tariffs.

In May, at the request of the Chairman, the Director forwarded the following memorandum to all Area Directors for distribution to their panel members:

> "The Legal Aid Programme Committee has requested me to write informing you that effective immediately, all solicitors' legal aid accounts submitted for payment must show the date and exact time spent in interviews, attendances and in all other matters wherever the fees are computed on an hourly basis. They must also indicate their actual time in court. Lawyers are no longer to approximate the time spent.
>
> There has been a tendency for solicitors, when submitting a legal aid account, to round off time spent to half-hours or hours. This is not the proper practice under the Legal Aid Plan."

The Committee requested the Director, the Assistant Director and the Legal Accounts Officer to submit a report concerning the manner in which solicitors' accounts should be rendered under the Legal Aid Plan.

The Committee further recommended that a sub-committee consisting of G. Arthur Martin, Q.C., J. D. Bowlby, Q.C., and J. G. J. O'Driscoll, Q.C., be appointed to review the present practice of preparing a solicitor and client bill of costs and to study the manner in which a solicitor submits his account after he has rendered legal services for the federal government.

(c) The Committee was of the opinion that under no circumstances should a lawyer be permitted to charge for the use of a private investigator or an investigator employed by his firm, without the consent of the Provincial Director. The Committee agreed that an office investigator represents part of the organization included in office overhead, such as secretarial services, etc.

(d) Section 128 of the amended Regulation defines the costs payable under the Act and Regulation. The amended section makes provision for determining what a legally-aided client would have paid his solicitor had a legal aid certificate not been issued. The Legal Accounts Officer asked the Committee to establish whether the gross amount of the legal aid tariff can be accepted as the true solicitor and client costs under the above section.

The Legal Aid Programme Committee informed the Legal Accounts Officer that a legally-aided client who receives a substantial sum in damages should not be put in a more advantageous position than a private paying client. In other words, a successful client will pay exactly the same as any other litigant who has been successful in his claim for damages.

CONTROLLER'S REPORT

The Controller submitted a summary of applications for the one month ended April 30th, 1969.

For the month of April, 1969, applications received, certificates issued and persons assisted by Duty Counsel, all show a volume decrease from the corresponding month in 1968. However, it would be unwise to assume on the basis of one month's statistics that legal aid activity is declining.

HEARINGS UNDER SECTION 29(2) OF THE LEGAL AID REGULATION

It was resolved that E. L. Schofield, Solicitor, Assistant Provincial Director, would continue to investigate any alleged professional misconduct of solicitors under the Legal Aid Plan and, when necessary, retain counsel for an opinion. The Assistant Provincial Director will then review the relevant material with members of the Legal Aid Programme Committee and on their recommendation, will refer the matter to the Secretary of the Law Society or his Assistant for appropriate action by the Discipline Committee.

The Discipline Committee may then initiate a Notice of Complaint and may retain the counsel who has already given the Provincial Director an opinion on the alleged misconduct.

Under the amended Section 29 of the Regulation, a legal aid solicitor is automatically removed from all panels when the Law Society serves the said solicitor with a Notice of Complaint.

MEETING OF AREA DIRECTORS

The Committee recommended that a two-day meeting with the Area Directors be held on July 30th and July 31st next.

APPOINTMENT OF AREA DIRECTORS

(a) *Welland County*

The President of the Welland County Law Association has informed the Director that the Association recommends the appointment of Frederick W. Cash, Q.C., Port Colborne, as Area Director for the County to replace W. H. Waugh who will retire from that position.

The Committee approved the appointment of Frederick W. Cash, Q.C., as Area Director for the County of Welland.

The Director was requested to convey to Mr. Waugh, on behalf of the Law Society, the appreciation of the Society for his great contribution to the Legal Aid Plan.

(b) *Essex County*

The trustees of the Essex County Law Association have informed the Director that Kenneth G. Ouellette, has been recommended as Area Director for the County to replace Mrs. Audrey Rosenthal, Solicitor, who has accepted a position in the Provincial Director's office.

The Committee approved the appointment of Kenneth G. Ouellette, Solicitor, as Area Director for the County of Essex.

The trustees also recommended that a Deputy Area Director be appointed to assist the Area Director on the same basis as presently exists in the County of Wentworth.

The Director recommended to the Committee that the appointment of a Deputy Area Director in Essex is warranted in the light of a comparison of legal aid activity in Essex, Wentworth and Carleton.

Your Committee approved the recommendation of the Director that a Deputy Area Director be appointed for the County of Essex.

PART IV OF THE REGULATION — PAYMENT OF COSTS

The Committee approved of costs in the sum of $135.00

being paid to Jacqueline Beatrice Mackenzie out of the Legal Aid Fund.

Your Committee refused three other applications for payment of costs out of the Legal Aid Fund.

EXEMPTION FROM SECTION 68 OF THE LEGAL AID REGULATION

Section 68 of the Legal Aid Regulation reads as follows:

> "68. Except in those areas exempted from this section by the Legal Aid Committee and subject to section 69, no duty counsel, or any person associated with him in the practice of law, shall act in the same matter pursuant to a certificate for a person whom he has represented or advised as duty counsel."

After careful consideration, your Committee approved a request from the Area Director and the Area Committee of the Counties of Lennox and Addington that the said counties be exempted from Section 68 of the Legal Aid Regulation.

CORRESPONDENCE

The Committee considered a suggestion from the York County Area Director, that the Legal Aid Plan take a page in the *Ontario Reports* at least once a month for the dissemination of legal aid information.

Canada Law Book informed the Director that their legal rate is $70.00 per full page.

The Committee approved the recommendation but advised the Director that any insertion in the *Ontario Reports* must have the approval of the Legal Aid Programme Committee.

ASSISTANT PROVINCIAL DIRECTOR

Mrs. Audrey Rosenthal, Solicitor, has been appointed Assistant Provincial Director effective June 1st, 1969.

AREA COMMITTEE

Section 14(1) of the Legal Aid Act, 1966, provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Legal Aid Committee for the following area:

Lanark County

Grant Campbell, Q.C., Carleton Place.

Moved by Mr. Cass, seconded by Mr. Ford, that the appointment of Mr. Kenneth G. Ouellette, as Area Director for the County of Essex, be subject to the approval of the Essex County Law Association. *Carried*

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON THE LAW SOCIETY GAZETTE—Mr. MacKinnon

The last report to Convocation was made in June last year and, accordingly, the second annual report is now due.

The Law Society Gazette, under the editorship of Mr. Honsberger, has had what I think can be properly described as a second successful year. The circulation is well over 7,000, approximately 90 of which are paid subscriptions. Thirty-five copies of the Gazette have been exchanged by Miss McCormick for journals of other law schools and institutions, and our paid subscribers are, for the most part, law libraries.

In the last year the article by Dr. Prosser, "The Pilgrim Monk", has been widely reprinted which has given a great deal of publicity to the Gazette.

The Editor has published articles, one in each of the four issues of Volume 2, on a leading member of the Bench or Bar. It is to be hoped that this feature will help to foster an increasing interest in the traditions and history of the profession.

The report of the Treasurer has been a useful innovation and has greatly assisted, I believe, in the communication from the Society to the members, which was the raison d'etre of the Gazette.

There appears to be good acceptance of the Gazette from the members. Complimentary letters have been received and, indeed, one member wrote to say that he had never felt he knew what the Law Society was doing until the publication of the Gazette commenced. It is to be hoped that this is a shared feeling in the profession, and that members of the Bench, and in particular Chairmen of Committees, will make use of the Gazette when they feel they have something of importance and interest to communicate to the profession.

I would be remiss if I did not acknowledge the great debt we owe to our Editor, John Honsberger. He has maintained his original enthusiastic and dedicated interest and we are fortunate to have him as our Editor. In the March issue, he wrote all that issue himself, except for the Treasurer's report and an article on lawyers' tariffs. He advised me that more unsolicited articles are now being received and it is becoming easier to prepare and complete the issues.

The total net costs of the publication of the four issues was $11,611.43 (allowing for subscriptions in the amount of $472.67). It appears that the new postage rate will add approximately $3,000 to the circulation costs, but we should be well within our budget of $16,000 for next year, allowing for all reasonable contingencies. I am suggesting, with the Editor's concurrence, that the annual subscription rate, which is presently $6.00 and $2.00 per issue, be increased to $10.00 and $3.00 per issue.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON BUILDING—Mr. Beament

Your Committee met on Thursday, the 19th day of June, 1969, in the Treasurer's Room at 9:30 a.m. There were present the Treasurer and Messrs. Common, Levinter and Sheard.

Mr. Arthur Heeney, the Society's Architect, attended at the Committee's invitation.

Your Committee considered a letter written on the 17th June, 1969, by Mr. D. G. Creba, Executive Director, Operations Department of Public Works, and a draft Order-in-Council which accompanied his letter.

Mr. Creba referred to the allocation of space which has been agreed to between the Society and the Committee of Judges concerned with the renovations in the Province's part of Osgoode Hall, and suggested that in respect of the areas in Osgoode Hall which belong to the Crown but which will be occupied by the Society, the Society should discuss with the Department of Public Works the cost of services to be supplied by the Government to those areas.

Your Committee considered the draft Order-in-Council under which the areas in the basement, and on the ground floor and second floor, identified on an accompanying set of floor plans, would be transferred to the control of the Society, subject to certain terms and conditions. These areas as indicated are, with minor exceptions, in conformity with the agreement the Society has already reached with the Committee of Judges. The draft Order-in-Council recommends that the free and exclusive use and control of the accommodation referred to and set forth on the plans, be transferred to the Society, together with right-of-way in favour of the Society over the other areas identified on the plans, without prejudice to the terms, conditions and reservations expressed in the Deed by the Society to the Crown on the 5th July, 1874, and the Deed of Rectification and Confirmation of the 26th November, 1885. subject to the following terms and conditions:

(1) A right of access to the accommodation under the control of the Law Society is reserved to the Crown in right of Ontario, its servants and agents, for the protection of the interests of the Crown and for the convenient maintenance, administration and use of the said building;

(2) The Law Society shall pay to the Crown annually within a reasonable time after submission of an invoice therefor the applicable proportion of cost of the services supplied to the accommodation under the control of the Law Society;

(3) No re-planning or re-designing of the accommodation under the control of the Law Society shall take place without the written approval of the Minister of Public Works on behalf of the Crown in right of Ontario.

Your Committee recommends approval of the basis the Province proposes for the Society's occupancy of the areas covered by the draft Order-in-Council, and further recommends that the Treasurer and Mr. Common, with the assistance of Mr. Heeney, be authorized to negotiate the cost to the Society of the services to be supplied by the Government to the areas concerned. The Treasurer was also requested to discuss with the Department of Works certain changes in the space to be transferred to the control of the Society as recommended by the Society's architect.

THE REPORT WAS ADOPTED

HISTORICAL PLAQUE AT NIAGARA-ON-THE-LAKE

At Convocation on the 15th November, 1968, the erection of an Historical Plaque in Simcoe Park, Niagara-on-the-Lake was approved. After further investigation it has been decided that the plaque be erected at the corner of Queen and Gate Streets, Niagara-on-the-Lake.

Moved by Mr. Ford, seconded by Mr. MacKinnon that the new location be approved. *Carried*

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Mr. R. J. Rolls thanking the Treasurer and Benchers for entertaining him at dinner with the Bar Admission Course Instructors on the 7th May, 1969.

Letter from Mr. Pierre Genest, President, The Lawyers Club, thanking the Treasurer and Benchers for entertaining him at luncheon on the occasion of the ceremony respecting the new elevator to the Barristers' Room.

Letter from Dr. R. E. Turner, Associate Professor of Psychiatry, University of Toronto, thanking the Treasurer and Benchers for granting permission to hold a dinner at Osgoode Hall in connection with the Post-Graduate Course in Forensic Psychiatry.

Letter from Chief Justice Gale expressing his appreciation for his selection as a recipient of an honorary degree from York University, and for the honour of dedicating the new Law School.

Ordered that the correspondence by received and filed.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of September, 1969.

"W. G. C. HOWLAND",
Treasurer

MINUTES OF SPECIAL CONVOCATION

Tuesday, 26th August, 1969
2 p.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland) and Messrs. Bowlby, Cass, Chappell, Dubin, Estey, Evans, Fennell, Ford, Goodman, H. E. Harris, Henderson, Levinter, Lochead, Martin, McCulloch, MacKinnon, O'Driscoll, Pepper, Robins, Sheard, Slemin, Strauss and Thom.

The Treasurer announced that he had received information that the renovations which the Province is intending to carry out in its part of Osgoode Hall, would not likely be commenced until June, 1970.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Tuesday, the 26th day of August, 1969, at 1:45 p.m., the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Cass, Henderson, MacKinnon, Slemin and Thom.

HONORARY DEGREE

It is proposed that an honorary degree of Doctor of Laws honoris causa be conferred upon the Right Honourable Lord Gardiner, Lord High Chancellor of Great Britain.

Approved

BAR ADMISSION COURSE — ACCOMMODATION DURING RENOVATIONS

Your Committee recommends that Eaton Auditorium be rented as needed at a cost not to exceed $3,000.00 for the purposes of the Bar Admission Course during the renovations in Osgoode Hall.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE—Mr. Goodman

Your Committee met on Thursday the 3rd of July, 1969, at 3:30 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson, Chairman, the Treasurer, and Messrs. Beament, Robins, Sheard.

Your Committee had before it a letter from the Attorney General, Mr. Arthur Wishart, dated June 19th, 1969, making suggestions for revision of the Society's draft Law Society Act. Your Committee gave careful consideration to the effect of these proposed revisions and made recommendations in connection with them.

On the 10th day of July, 1969, the Treasurer and certain of your Committee's members attended with the Attorney General to discuss the recommendations made in your Committee's Report dated July 3rd, 1969. The Attorney General then wrote the Treasurer by letter dated July 11th, 1969, referring to the matters discussed and expressing agreement with some of the recommendations. Government Draft No. 1 was then received by the Treasurer.

Your Committee met on Thursday, August 21st, 1969, at 10:00 o'clock in the forenoon to discuss this Draft, entitled Bill 010, An Act to Consolidate and Revise The Law Society Act. The following members were present: Mr. R. F. Wilson, Chairman, Mr. E. A. Goodman, Vice-Chairman, and Messrs. Chappell, Sheard and Howland.

The Committee recommended that further submissions be made respecting two provisions in the draft Bill and also recommended certain minor amendments to it.

THE REPORTS AS AMENDED WERE ADOPTED.

Moved by Mr. Sheard, seconded by Mr. Ford, that the Legislation and Rules Committee be given power to settle with the Attorney General the details of the provisions respecting which the Law Society is making further submissions.

Carried

Motion to Suspend

Moved by Mr. Sheard, seconded by Mr. Levinter, that pursuant to section 45(1) of The Law Society Act, R.S.O. 1960, cap. 207, Cameron James Ross English be suspended from practice so long as the Order of His Honour Judge E. W. Grant of the County Court of the County of Peel dated the 27th day of February 1969, is in force.

Carried

DISCIPLINE COMMITTEE—Mr. Evans

Mr. Evans, Chairman, presented the Report of the Discipline Committee:

Re: Richard Joshua Horne, Toronto

As a result of a complaint received by the Law Society, an investigator was retained by the Law Society to interview certain persons in respect of the Solicitor's conduct. The Report of these interviews was incomplete and the Society's accountants were instructed to make an inspection of the Solicitor's books and records. On the basis of the accountant's

Report, the following Notice of Complaint was served on the Solicitor in accordance with the Rules, returnable on Monday, 9th June, 1969. A copy of the accountant's Report was attached to and made part of this Notice of Complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that:
>
> 1. You were a party to the execution, delivery and registration of one or all of the following forged or spurious documents, to wit:

Document	*Parties*	*Date*	*Registration*
Mortgage	Jeanette Coltman to Jean Sweetman	November 20, 1961	Inst. No. 63008 E.V.
Discharge of Mortgage	Jean Sweetman to Jeanette Coltman	March 12, 1963	Inst. No. 65471 E.V.
Assignment of Mortgage	Walter Hooey to Jean Sweetman	November 5, 1962	Inst. No. 54694 E.S.
Mortgage	Helen Florence Bowles to Jean Sweetman	June 24, 1965	Inst. No. 58853 E.S.
Discharge of Mortgage	Jean Sweetman to Robert and Alma Willie	June 24, 1965	Inst. No. 58852 E.S.

> 2. You took the oath and subscribed your name on the affidavit of execution contained in the discharge of mortgage referred to in paragraph 1 hereof dated the 12th day of March, 1963, which purports to have been signed by the said Jean Sweetman when in fact she did not sign the said discharge of mortgage nor the said affidavit nor swear to its contents."

Your Committee met at the appointed time, consisting of the following members: Mr. P. D. Wilson, Chairman, and Messrs. G. E. Beament and H. E. Harris. Mr. Ian Scott attended as counsel for the Society. The Solicitor attended without counsel and admitted service of the Notice of Complaint.

Your Committee found that the solicitor was a party to the execution, delivery and registration of several mortgage documents which were executed by or given to the mortgagee in an assumed name and that he took the oath and subscribed his name on an affidavit of execution in connection therewith which he accordingly knew to be false. No client suffered any financial loss as a result thereof.

Your Committee recommends that the solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans that the Report be adopted.

Mr. Cass was not present throughout consideration of the Report, and so took no part in the proceedings and did not vote.

The Society's counsel, Mr. Ian Scott, attended.

The Solicitor attended without counsel and made submissions to Convocation.

Moved by Mr. Martin, seconded by Mr. O'Driscoll that the Report be amended by deleting the recommendation of disbarment and substituting therefor a recommendation that the solicitor be suspended from practice for a period of eighteen months.

Mr. Bowlby moved, seconded by Mr. Thom, in amendment to the amendment that the recommendation of the Committee be replaced by a recommendation that the solicitor be reprimanded in Convocation.

The amendment to the amendment was lost.

The amendment was carried.

The Report as amended was adopted.

Moved by Mr. O'Driscoll, seconded by Mr. Martin, that the solicitor be required to pay the costs of the Society's investigation before he can be reinstated. *Carried*

IT WAS ACCORDINGLY ORDERED

1. THAT the Report of the Discipline Committee in the matter of RICHARD JOSHUA HORNE, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted as amended.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said RICHARD JOSHUA HORNE guilty of professional misconduct and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said RICHARD JOSHUA HORNE be suspended from practice as a Barrister and Solicitor for the period of eighteen months from the 26th day of August 1969 and required to pay the costs of the Society's investigation.

LEGAL AID PROGRAMME COMMITTEE—Mr. Martin

Your Committee met on Wednesday, the 30th day of July, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Caldbick, Levinter, Lochead and Martin.

Appointment of Deputy Area Director

Your Committee approved the appointment of James R. Lawrenson as Deputy Area Director for the County of Essex at a salary of $11,500 per annum.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE respecting the Report on Competition Policy, Economic Council of Canada

Moved by Mr. Dubin, seconded by Mr. Lochead that the Treasurer be authorized to appoint a Special Committee Respecting the Report on Competition Policy, Economic Council of Canada, to consider the matter and report to Convocation. *Carried*

The Treasurer appointed the following Special Committee: Mr. O'Brien, Chairman, and Messrs. Callon, Fennell, MacKinnon and Thom.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 19th day of September, 1969.

W. G. C. HOWLAND,
Treasurer

SPECIAL MEETING OF CONVOCATION

Wednesday, 17th September 1969
2:30 p.m.

Present:

The Treasurer, Mr. W. G. C. Howland, and Messrs. Arnup, Beament, Carson, Cass, Chappell, Dubin, Evans, Ford, Goodman, H. E. Harris, Levinter, Lochead, Maloney, Martin, MacKinnon, McLaughlin, O'Brien, Pattillo, Pepper, Robinette, Robins, Roebuck, Sheard, Slemin, Strauss, Thom, Weir, Williston and R. F. Wilson.

A Special Meeting of Convocation was held in the Great Library, Osgoode Hall, on Wednesday, the 17th day of September 1969 at 2:30 p.m. The purpose of the Special Convocation was to confer the degree of Doctor of Laws, honoris causa, upon The Right Honourable Lord Gardiner, Lord High Chancellor of Great Britain.

Prior to the meeting of Convocation the Benchers entertained at luncheon The Honourable W. Ross Macdonald, P.C., C.D., Q.C., LL.D., Lieutenant Governor of Ontario, and the Lord High Chancellor of Great Britain.

The Treasurer called Convocation to order, and the following citation was read by the Chairman of the Legal Education Committee, Mr. Sydney L. Robins:

Mr. Treasurer, my purpose is to ask you to bestow upon The Right Honourable Baron Gardiner, Lord High Chancellor of Great Britain, the highest honour The Law Society of Upper Canada has to give because he has done so much to reform and improve the law and has brought fresh honour to our profession. When he was at Oxford University, in Magdalen College, he was attracted to the theatre as an actor and could have won renoun in that profession, but instead of directing his creative energy to the dramatic portrayal of the human condition he undertook to make it better by becoming directly involved in the development of the laws which control it. While still a student at University his rhetorical skill and uncommon ability enabled him to become President of the Oxford Union and later when he had entered upon his profession, to his persuasive fluency was added unrivalled mastery of detail and clarity of presentation. His formidable powers have been turned to the preservation of human life by the abolition of capital punishment, the encouragement of human happiness through the reformation of the marriage laws and the fuller participation by young people in the processes of government by the lowering of the age of suffrage to eighteen.

As Lord Chancellor he has brought about in a few years more progressive changes in the law than had been wrought in the preceding one hundred and sixty years, and crowned these remarkable achievements by bringing into being the Law Reform Commissions of England and Scotland so that the work of improvement will be furthered by constant attention.

Mr. Treasurer, I request you to exercise the authority vested in you by Convocation to admit The Right Honourable Baron

Gardiner of Kittisford to the Degree of Doctor of Laws, honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon Lord Gardiner who signed the Society's register and accepted a bound copy of the Citation.

The Treasurer then introduced Lord Gardiner who addressed Convocation.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 19th day of September 1969.

W. G. C. HOWLAND,
Treasurer

MINUTES OF CONVOCATION

Friday, 19th September 1969
10 a.m.

PRESENT:

The Treasurer, and Messrs. Arnup, Beament, Bowlby, Callon, Cass, Chappell, Chitty, Estey, Evans, Fennell, Henderson, Levinter, Lochead, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pepper, Robins, Roebuck, Seymour, Sheard, Slemin, Steele, Strauss, Thom, Weir and R. F. Wilson.

The Minutes of the meetings of June 20th, August 26th, and September 17th, 1969 were read and confirmed.

The Treasurer read to Convocation a letter received from the Attorney General respecting the new Law Society Act.

The Treasurer also advised Convocation that he had replied on CBC television news and in the press to the attack made on the legal profession by The Hon. John Munro, Minister of National Health and Welfare, in his speech in Hamilton on September 8, 1969.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 11th day of September, 1969 at 3:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. B. J. MacKinnon, and Messrs. Callon, Cass, Henderson, Pattillo and Slemin.

BAR ADMISSION COURSE

FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Corporation Law

J. G. Coleman, Esq., to be appointed an Instructor, in place of A. H. Clairman, Esq., resigned.

J. M. Farley, Esq., to be appointed an Instructor in place of J. N. Cooper, Esq., resigned.

S. Filer, Esq., to be appointed an Instructor, in place of W. H. Giles, Esq., resigned.

I. MacGregor, Esq., to be appointed an Instructor, in place of B. Weinstein, Esq., resigned.

D. C. Matheson, Esq., to be appointed an Instructor, in place of J. R. Weir, Esq., resigned.

R. J. Murphy, Esq., to be appointed an Instructor, in place of R. D. Wilson, Esq., resigned.

A. A. Russell, Esq., to be appointed an Instructor.

W. S. Vaughan, Esq., to be appointed an Instructor.

R. H. Krempulec, Esq., to be appointed a Stand-by Instructor in place of J. G. Coleman, Esq., promoted to Instructor.

J. C. McCartney, Esq., to be appointed a Stand-by Instructor in place of S. J. Godfrey, Esq., resigned.

J. M. Robinson, Esq., to be appointed a Stand-by Instructor in place of R. J. Murphy, Esq., promoted to Instructor.

J. E. Sheppard, Esq., to be appointed a Stand-by Instructor.

Creditors' Rights

J. Dimoff, Esq., to be appointed an Instructor.

R. G. Marantz, Esq., to be appointed an Instructor.

D. A. Wetmore, Esq., to be appointed a Stand-by Instructor.

Real Estate

P. A. Adams, Esq., to be appointed an Instructor in place of J. W. Huckle, Esq., resigned.

Mrs. Moira L. Caswell, to be appointed an Instructor in place of W. R. Murray, Esq., resigned.

D. D. Hague, Esq., to be appointed an Instructor.

P. White, Esq., to be appointed an Instructor.

R. L. Woods, Esq., to be appointed an Instructor.

R. W. Gardner, Esq., to be appointed a Stand-by Instructor in place of H. K. Boylen, Esq., Q.C., resigned.

W. L. McAuley, Esq., to be appointed a Stand-by Instructor in place of E. A. Christie, Esq., resigned.

M. J. Mowbray, Esq., appointed a Stand-by Instructor.

Civil Procedure I

G. E. Julian, Esq., appointed an Instructor in place of R. I. Cartwright, Esq., resigned.

G. D. Lane, Esq., appointed an Instructor in place of J. L. Chercover, Esq., on leave of absence.

D. H. Sandler, Esq., appointed an Instructor in place of W. J. Hemmerick, Esq., Q.C., resigned.

F. H. Zemans, Esq., appointed an Instructor in place of C. A. Keith, Esq., resigned.

P. F. M. Jones, Esq., appointed a Stand-by Instructor in place of G. E. Julian, Esq., promoted to Instructor.

P. S. A. Lamek, Esq., appointed a Stand-by Instructor in place of D. Sandler, Esq., promoted to Instructor.

S. Sadinsky, Esq., appointed a Stand-by Instructor in place of F. H. Zemans, Esq., promoted to Instructor.

B. H. Wheatley, Esq., appointed a Stand-by Instructor.

Civil Procedure II

D. A. Elliott, Esq., Q.C., appointed an Instructor in place of D. T. Holding, Esq., resigned.

B. Raphael, Esq., appointed an Instructor in place of J. W. O'Brien, Esq., resigned.

V. I. Rogers, Esq., appointed an Instructor in place of R. J. Wright, Esq., resigned.

W. P. Somers, Esq., appointed an Instructor.

G. Glass, Esq., appointed a Stand-by Instructor in place of B. Raphael, Esq., promoted to Instructor.

P. Gravely, Esq., appointed a Stand-by Instructor in place of V. I. Rogers, Esq., promoted to Instructor.

E. Sabol, Esq., appointed a Stand-by Instructor in place of W. P. Somers, Esq., promoted to Instructor.

D. H. Carruthers, Esq., Q.C., appointed a Stand-by Instructor in place of R. M. Loudon, Esq., resigned.

C. S. Martin, Esq., appointed a Stand-by Instructor.

EXAMINATIONS AND GRADING

The Director recommends adoption of the following policy:

Examinations and Grading in the Bar Admission Course

A statement of the policy of the Law Society of Upper Canada on the examinations and grading of the candidates for admission to the Bar of Ontario who are enrolled in the teaching period of the Bar Admission Course.

1. There is a written examination at the end of each section of the Course. Each candidate is assigned a mark not greater than 100 in each examination. Examiners are informed only of the numbers, and not of the names, of the candidates.

2. In sections of the Course where group instructors take part, a confidential report is made on each candidate by his instructor who assigns him grade "A", "B" or "C" and adds

such explanatory remarks as he chooses. Instructors are advised that while they may award as many of each grade as they wish, they should attempt, as a minimum, to give "A's" to the best three candidates, "C's" to the poorest three candidates. It is recognized that, especially in the shorter courses, instructors have difficulty in assessing candidates so that their reports are used with caution, as set forth below.

3. The record of each candidate in the written examinations and the confidential reports made on him by his group instructors are considered by a Board of Review, constituted by the Chairman and the Vice-Chairman of the Legal Education Committee and the Director, who are responsible to report the grade of each candidate to the Legal Education Committee. The Committee, in turn, reports such grades, as altered or amended by it, to Convocation.

4. (a) Candidates who obtain an average of 75% or more in all written examinations are awarded Honour standing and are ranked numerically both in the individual reports sent to them and in the published results;

(b) Candidates who obtain an average of from 66% to 74% in all written examinations are awarded Pass Class I standing and are ranked numerically in the individual reports sent to them, but their names are published alphabetically;

(c) Candidates who pass but obtain an average of 65% or less in all written examinations are awarded Pass Class II standing and are ranked numerically in the individual reports sent to them but their names are published alphabetically;

(d) A candidates fails who:

- (i) obtains fewer than 50 marks in three or more written examinations; or
- (ii) obtains fewer than 50 marks in two or more written examinations and less than a 60% average in all written examinations;

provided that the reports of the group instructors will be considered for the purpose of determining whether a candidate who would otherwise fail is to be awarded a passing grade.

5. No results are published until after the Legal Education Committee has considered the grades reported by the Board of Review. *Approved*

THE ROLAND O. DALY SCHOLARSHIP

In 1965 Roland O. Daly, Esq., Q.C., gave $10,000 to the Law Society, the income to be used to provide a Scholarship for the student standing first in the second year in Osgoode Hall Law School. Upon the affiliation of the Osgoode Hall Law School with York University Mr. Daly suggested that the fund be used for the purpose of an annual award, for example, to the student having the highest standing in the Bar Admission Course.

At its meeting on the 7th of November, 1968, your Committee recommended and Convocation approved of this suggestion. The income from the capital sum was expected to provide a scholarship of $500 next year.

The Committee is asked to confirm that the Law Society prizes will be given as they have in the past, namely, $300 to the student obtaining the highest standing, $200 to the student obtaining the second highest standing, and $100 to the student obtaining the third highest standing, or whether some different arrangement should be made in view of the fact that the person standing first would receive both the Roland O. Daly Scholarship and the Law Society First Prize.

Your Committee recommends that the Law Society Prizes be given to those standing second, third and fourth in the amounts of $300, $200 and $100 respectively.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 11th day of September, 1969, at 2:30 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, Callon, MacKinnon, Pattillo, Robins, Sheard, Slemin and Williston.

Your Committee recommends that counsel be retained to advise the Society of the meaning of the term "British subject" in the context of our Act and Rules.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

445 candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1969. *Approved*

DIRECT TRANSFERS

Heather Lynn Henderson (LL.B. University of Manitoba, May 1965) was called to the Bar of the Province of Manitoba and admitted as a solicitor of the Court of Queen's Bench of Manitoba March 1966. Miss Henderson accepted an appointment with the Federal Department of National Revenue September 1965 where she served in a legal capacity until March 1969. She remains a member in good standing of the Law Society of Manitoba. Miss Henderson was allowed to write the September 1969 examination as required by Regulations 2 and 4 subject to the approval of this Committee. *Approved*

John Francis Leman (B.Sc. degree University of Alberta 1961; LL.B. University of Manitoba May 1966) was called to the Bar of Manitoba in June 1966. He has practised continuously in Manitoba to the present and seeks to proceed under Regulation 2. *Approved*

John Francis MacIsaac, Lt.-Col. (LL.B. University of Dalhousie 1949) was called to the Bar of Nova Scotia in August 1949. Lt.-Col. MacIsaac practised in Halifax until enrolling in the Canadian Army as a member of the Judge Advocate General's Branch and has served continuously in that Branch until now, having spent the last three years in Winnipeg, Manitoba where he held the appointment of Assistant Judge Advocate General for Manitoba, Saskatchewan and the Northwest Territories. He seeks to proceed under Regulations 2 and 4. *Approved*

UNITED KINGDOM SOLICITORS

Kho Sin Oei has produced a current practising certificate as an English solicitor and asks to be allowed to proceed under Regulation 8. *Approved*

John Murray Reid presents a current practising certificate from the Law Society of Scotland and asks to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFERS

Kazi Muhiuddin Ansari (B.A.; LL.B. University of Saugar 1963) also submits that he has post-graduate qualification (M.A.) in English Literature from an Indian University. He was admitted to the Roll of Advocates of the State Bar Council in Madhya Pradesh, January 1963. Mr. Ansari presents a certificate showing that he has completed six years of practice and is presently practising at the Bar in India. He seeks to proceed under Regulation 10(b). *Approved*

Francis Joseph (B.A. University of Madras India 1952; LL.B. University of Madras 1955), was admitted to the Bar Council, Madras in 1955. Mr. Joseph presents proof of continuous practice in India and a certificate of good standing. He seeks to proceed under Regulation 10(b). *Approved*

Farooq Ali Khan (LL.B. Aligarh Muslim University 1962) became a member of the Bar Council in Delhi India in 1963. He was admitted as a Pleader in the High Court of West Pakistan (Karachi Bench) at Karachi in January 1965. He states he has been in active practice as an Advocate since 1962, in India and West Pakistan and seeks to proceed under Regulation 10(b). *Approved*

Kanwar Rajendra Singh (B.A. University of Panjab, India 1945; LL.B. University of Bhagalpur, 1963) enrolled as advocate of Bar Council of Delhi in August 1964. He presents proof of practice in India and certificate of good standing. He seeks to proceed under Regulation 10(b). *Approved*

The Admissions Committee is asked to consider the following question:

Could military service as a legal officer in one of the United States services count toward the five years of active practice as required under Regulation 10(c)?

Your Committee recommends that the answer is "No."

ADMISSION TO BAR ADMISSION COURSE

Anne Carole Thom received approved LL.B. degree from the University of British Columbia, May 1959. She now applies to enter the Bar Admission Course on the strength of her LL.B. *Approved*

Allan Robert Bremner O'Brien obtained the LL.B. degree from the University of Dalhousie on the 16th May 1957 and the M.B.A. from the University of Western Ontario the 10th May 1959. He was called to the Bar and admitted as a solicitor in Alberta in December 1960. In October 1965 he applied to transfer to Ontario under Regulation 2 and his application was approved by the Admissions Committee, but he did not proceed. Mr. O'Brien now seeks admission to the teaching period only of the Bar Admission Course.

Your Committee recommends that he be advised that his application is approved to enter the Bar Admission Course including the articling period.

BAR ADMISSION COURSE — TEACHING PERIOD ONLY

Richard Derek Broughton failed to pass the Transfer Examinations in May 1969. He has been allowed to enter the teaching period of the Bar Admission Course subject to the approval of the Committee. *Approved*

OCCASIONAL APPEARANCES — RETIRED JUDGES RETURNING TO PRACTICE

The Hon. Joseph T. Thorson, P.C., Q.C., was called to the Bar in England on the 4th of June 1913 and to the Bar of Manitoba in November 1913. He was admitted as a Barrister and Solicitor of the Province of Manitoba in 1930. Prior to his appointment as President of the Exchequer Court of Canada he practised in Winnipeg and after his retirement from the Exchequer Court resumed his status as a Barrister and Solicitor in Manitoba and has held a practising certificate from the Law Society there since March 1964. He is a resident of Ontario however living in Ottawa.

He has written to the Society requesting that he be permitted to appear as counsel in the Ontario Court in proceedings to test the validity of the Official Languages Act. If the proceedings were originated in a Manitoba Court where he is entitled to appear as counsel it would involve Mr. Thorson in expense and inconvenience. Mr. Thorson has been supplied with a copy of the Society's Rules respecting "Occasional Appearances" and also with a copy of Ruling 35 of the Professional Conduct Handbook relating to appearances as counsel in Ontario by former Judges.

Your Committee recommends that he be allowed to proceed under Regulation 11 subject to Convocation granting leave under Ruling 35 of the Professional Conduct Handbook.

Moved by Mr. Robins, seconded by Mr. Beament, that the application by the Honourable Joseph T. Thorson, P.C., Q.C., to be called to the Bar under Regulation 11, be refused.

Carried

SPECIAL PETITION

Clifford S. Nelson received the LL.B. degree from Osgoode Hall in June 1968. He enrolled in the LL.M. programme at Osgoode Hall Law School and should finish during 1969-70. He asks permission to delay his entry into the Bar Admission

Course until September 1971 so that he can serve a term of seventeen months in the International Labour Office in Geneva, Switzerland beginning this month. *Approved*

APPLICATION FOR RE-ADMISSION

Mr. Andrew B. M. Bell was called to the Bar in 1938 and in 1967 resigned his membership in the Society. He has asked to be re-admitted upon payment of all fees he would have been liable for had he remained a member.

Your Committee recommends that Mr. Bell be re-admitted upon payment of fees not paid.

CALL TO THE BAR — ONTARIO SOLICITOR

Edward Henry Hill, a United Kingdom solicitor, became a solicitor in Ontario in 1947, upon payment of the fee under the Rules and Regulations then in effect.

Your Committee recommends that he be called without payment of a further fee.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law, University of Western Ontario, ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Assistant Professor Ronald George Atkey, B.A., LL.B.

Assistant Professor Mitchell H. Gropper, LL.B. admitted to Bar of British Columbia June 1966.

Associate Professor Edward Francis Ryan, B.A., LL.B.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in September, 1969, is before the Committee. Three candidates sat the examination. The following candidate has passed:

Heather Lynn Henderson

Approved

COMMONWEALTH EXAMINATIONS

Three candidates were approved by the Committee to proceed under Regulation 10(b) and being in Toronto sat the required examinations in August 1969.

The Report of the examiners disclosed that Jesse J. Malik, West Pakistan, had passed. *Approved*

THE REPORT AS AMENDED WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 11th day of September 1969, the following members being present: Messrs. Sheard, Chairman, Beament, Vice-Chairman, Fennell, Henderson, Levinter, McLaughlin, Pepper, Robins, Steele and Thom.

Accounts

The Secretary reports that from the 1st July 1969 to the 31st August 1969 accounts, including Library Accounts, properly approved, to the amount of $144,929.12 have been paid. *Approved*

Financial Statement, 1st July to 31st August 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 31st August 1969. *Approved*

Rolls and Records

The Secretary reports that the following former members of the Law Society have died:

Clarence F. Tuer, Q.C., Haileybury	Called—16 June 1921; Deceased—January 1969.
Joseph A. R. McCuaig, Q.C., Port Arthur	Called—15 October 1925; Deceased—12 March 1969.
Arthur S. Hardy, Ottawa	Called—17 September 1931; Deceased—29 May 1969.
Douglas T. Bourdon, Toronto	Called—28 September 1950; Deceased—10 June 1969.
Lancing B. Campbell, Q.C., Toronto (Hon. Life Mem.)	Called—25 May 1917; Deceased—21 June 1969.
(Eric) F. J. Hanna, Q.C., Ottawa	Called—18 June 1925; Deceased—17 July 1969.
David B. Goodman, Q.C., Toronto (Hon. Life Mem.)	Called—20 June 1917; Deceased—2 August 1969.

Noted

HONORARY LIFE MEMBERS

Pursuant to Rule 32, the following are eligible to become Honorary Life Members of the Law Society:

Name	Address	Normal date of Call	Called
Under Rule 32(a)			
Bennett, Jacob Manuel, Q.C.	Toronto	1919	11 Sept. 1919
Cameron, Alan John Patrick, Q.C.	Toronto	1919	11 Sept. 1919
Campeau, Lovedy J., Q.C. (Miss)	Windsor	1919	16 Oct. 1919
Denton, His Honour Judge Francis William	Toronto	1919	11 Sept. 1919
Fair, William Walker	Toronto	1919	29 Oct. 1919
Fox, Harold George, Q.C.	Toronto	1920	20 Nov. 1919
Haffey, Ralph Joseph, Q.C.	Richmond Hill	1919	20 Nov. 1919
Hodgins, Miss Apha Isabella	Bowmanville	1919	19 June 1919
Jarvis, Guy Meredith	Toronto	1919	11 Sept. 1919
Marshall, Frederick Robinson, Q.C.	Toronto	1919	20 Nov. 1919
Macdonald, Honourable William Ross, Q.C.	Brantford	1921	20 Nov. 1919
Pearlstein, Jacob David, Q.C.	Toronto	1919	20 Nov. 1919
Quain, Redmond Thomas, Q.C.	Ottawa	1919	19 June 1919
Seymour, Murton Adams, Q.C.	St. Catharines	(Special)	16 Oct. 1919
Shea, James Ambrose	Toronto	1919	11 Sept. 1919
Smith, Cyril Middleton, Q.C.	Kingston	1919	20 Nov. 1919
Weatherhead, Thomas Mansell	Toronto	1919	11 Sept. 1919
Whitehead, Armond, Q.C.	Toronto	1919	6 Feb. 1919
Wilson, Robert Henry, Q.C.	Windsor	1919	19 June 1919
Under Rule 32(b)			
Griffin, William Eric, Q.C.	Hamilton	1919	21 Oct. 1920
Hutchinson, Thomas Allinson, Q.C.	Milton	1919	21 Oct. 1920
Moore, Robert Ivan, Q.C.	Lindsay	1919	20 May 1920
Smith, Oliver Hereford, Q.C.	Midland	1919	21 Oct. 1920
Smith, Walter Doncaster, Q.C.	London	1919	19 May 1921
Strike, William Ross, Q.C.	Bowmanville	1919	21 Oct. 1920
Titus, Edmund Bradford, Q.C.	Toronto	1919	20 May 1920

Approved

STUDENTS CAFETERIA

The Society's contract with Versafoods Limited was terminated and arrangements made with Mrs. Bested who operates the Barristers' luncheon room, to take on as well the operation of the Students' Cafeteria on the same basis.

Approved

RE COST OF MEALS

Mrs. Bested has written asking the Society's permission to increase the price of lunches served in the Barristers' Luncheon Room by 10c each. She states that this is necessary because of the rise in food prices and the necessity of increasing the wages of her staff which have not been changed in three years.

The Secretary recommends that permission be granted for this increase.

Approved

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

GENERAL REPORT

Your Committee met on Thursday September 11th 1969 at 10:00 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Cass, Chappell, Common, Estey, Gray, Henderson, Levinter, Lochead, Pattillo, Pepper, Robins, Slemin, Strauss, Thom and Williston.

1. COMPENSATION FUND

Your Committee considered the question of the Compensation Fund levy for the year 1969-70 and recommends that it remain at $30.

A claim was recently considered by the Committee arising out of a loss suffered by an estate whose executor was also a solicitor. Your Committee, having considered the relevant statutory provisions as well as what it understood to be the intention of those who drafted the provisions, resolved to make an award in the particular circumstances existing. Your Committee, however, was concerned that in some situations the usual safeguards that apply to a solicitor's operation of a trust account may have very little if any control on a solicitor's handling of an estate as an executor. Accordingly your Committee has referred to the Legislation & Rules Committee the question of whether there should be any amendment to the statutory provisions dealing with the Compensation Fund.

2. DISCIPLINE COMMITTEE ROOMS

Your Committee inspected plans for the new Discipline Committee quarters and recommends that a sub-committee with power to act be appointed by the Chairman.

3. RULES RESPECTING ACCOUNTS

At its meeting in June, Convocation approved the publication of the proposed Rules Respecting Accounts. There has now been received a government direction on solicitors' trust accounts. Your Committee recommends that a sub-committee be appointed by the Chairman to review the proposed Rules Respecting Accounts in the light of the government direction.

THE REPORT WAS ADOPTED.

The six months Summary Report and the June, July and August Report respecting the Compensation Fund were received.

ORDERS

The Secretary placed before Convocation the following Orders which are entered on the Minutes of Convocation:

Re: ROBERT GEORGE HOLLIS ALEXANDER, *Toronto*

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF ROBERT GEORGE HOLLIS ALEXANDER, a Barrister-at-law and one of the Solicitors of the Supreme Court of Ontario AND IN THE MATTER OF THE LAW SOCIETY ACT.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 20th day of June, 1969, suspend the said Barrister-at-law for a period of one year from the 20th day of June, 1969.

THEREFORE THIS COURT DOTH ORDER that the said ROBERT GEORGE HOLLIS ALEXANDER be suspended from practice as a Barrister and Solicitor for a period of one year from the 20th day of June, 1969.

DATED this 20th day of June, 1969.

"Gordon F. Beddis"
Registrar
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 187
as Document No. 553
on June 20 1969
VP

Re: RICHARD JOSHUA HORNE, *Toronto*

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF RICHARD JOSHUA HORNE, a Barrister-at-law and one of the Solicitors of the Supreme Court of Ontario, AND IN THE MATTER OF THE LAW SOCIETY ACT.

WHEREAS it has been certified by the Assistant Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 26th day of August 1969 suspend the said Barrister-at-law for a period of eighteen months from the 26th day of August 1969.

THEREFORE this Court doth order that the said RICHARD JOSHUA HORNE be suspended from practice as a Barrister and Solicitor for a period of eighteen months from the 26th day of August 1969.

DATED this 26th day of August 1969.

"M. R. Elliott"
Assistant Registrar
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 190
as Document No. 1051
on Aug. 28, 1969.
VP

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Mr. Fennell, Chairman, presented the Report of the Professional Conduct Committee:

Your Committee met on the 11th day of September 1969 at 9:00 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Callon, Evans, Gray, MacKinnon, Raney, Slemin and Strauss.

Because of the major changes in the principles of estate tax, a number of questions have been submitted to the Committee, among which are —

1. Has a solicitor a duty to notify his clients about changes in the Estate Tax Act, particularly when the solicitor has the client's will in the office, and

2. Is it inappropriate or improper for a solicitor to take the initiative and write to a client about the matter referred to in question 1.

Your Committee is of the opinion that the basic controlling principle must be the specific relationship between the particular solicitor and his client.

Generally speaking there is no duty on a lawyer to notify a person for whom he has drawn a Will, of Statute changes. By the same token, it would not be improper for a lawyer to advise a person, for whom he has prepared a Will, of relevant Statute changes, provided he has reasonable grounds for believing that that person is still his client, and that the letter of advice is not a solicitation. The onus must rest on the solicitor to establish, if required, a relationship of solicitor and client. The deposit of a Will in a solicitor's office is a matter of evidence which may assist in determining the relationship between the solicitor and the client.

Moved by Mr. O'Brien, seconded by Mr. Levinter, that the final paragraph be amended by deleting the first words, so that the paragraph would begin with the words: "It would not be improper for . . . ".

The motion was lost.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 11th of September 1969, the following members being present: Mr. Steele, Chairman, Messrs. Cassels, Ford, Strauss and Miss R. McCormick.

Great Library

Accounts

Expenditures by the Great Library up to August 31st 1969 were approved.

Gifts and Donations

Donations have been received from the following:

Mr. J. W. Younger, 53 volumes of various English and Ontario Reports

Ontario Municipal Board, 18 copies of various of its Annual Reports.

Noted

BOOK LIST

A list of books purchased since the June 1969 meeting was presented and approved by your Committee.

REPORTING

ONTARIO REPORTS: POSTAL RATES

At the April meeting the Committee was advised by the Post Office that the Ontario Reports could no longer be classified as second class material and that effective 1st April 1969 they would be subject to postage as third class mail. Since this involved a considerable increase in postage rates, a Sub-Committee consisting of Messrs. Beament (Chairman), Chappell and Henderson was appointed to take the matter up with the Minister of Justice and the Postmaster General. The Sub-Committee has now reported that it has been successful in having the Ontario Reports reclassified as second class mail at the lower rates. *Noted*

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th of September 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Callon, Cass, Chappell, Fennell, Henderson, Lochead, Steele and Williston.

1. NOTARIES PUBLIC

A number of matters concerning notaries public were considered by your Committee. One matter concerned a notary drafting a Separation Agreement and charging a fee. This file was referred to Counsel for investigation and with authority to prosecute if in Counsel's opinion sufficient evidence is available.

Another matter concerned a notary acting for and apparently advising a person who was served with a Supreme Court Writ. This same notary also acted on someone's behalf in a boundary dispute. In both instances, the notary received a substantial sum of money from his "client". Both persons for whom the notary presumed to act are of European origin and thought the notary "qualified" as a result of his advertisements in ethnic newspapers and circulars distributed among ethnic populations. Your Committee has referred this file to Counsel for complete investigation and with authority to prosecute.

In addition, your Committee has instructed that the file be referred to the Attorney General who appoints notaries.

Your Committee is quite concerned about situations like the above. Notaries public are frequently retained in the mistaken belief that they are lawyers. This occurs mainly in respect of members of ethnic communities who come from European countries where lawyers are called notaries. These people pay money to notaries for services which are often poorly performed and which frequently result in their legal rights being seriously prejudiced. Several instances of this occurring are brought to your Committee's attention each year. These matters are always investigated by your Committee but it seldom obtains sufficient evidence for a prosecution. This is because the persons hurt often do not wish to become further involved and refuse to co-operate. In addition, these people are usually not disposed to seek legal advice as to any remedies they may have against the respective notary. When this is the case, there is nothing further your Committee can do under The Solicitors Act and it must close its file.

Your Committee is not satisfied however with this disposition of the matter. Your Committee feels that this problem goes beyond a simple breach of The Solicitors Act and feels it should be pursued further. Your Committee recommends therefore that a Special Committee be appointed by the Treasurer for the purpose of approaching the Attorney General who appoints notaries and discussing with him the whole subject of notaries public and methods of dealing with the above problem.

2. The activities of a non-solicitor acting on someone's behalf before the Immigration Appeal Board was brought to your Committee's attention. This non-solicitor apparently makes frequent appearances before the Board and receives a substantial fee. Your Committee has referred this matter to Counsel for investigation.

3. A letterhead of a non-solicitor on which he advertises among other things "Examinations for Discovery", and "Examinations under the Bankruptcy Act" was considered by your Committee. The matter was referred to Counsel for investigation of this person's activities and report to the Committee.

4. Several Writs issued out of the County Court by a Collection Agency were considered by your Committee. These Writs were referred to Counsel for investigation and with authority to prosecute.

THE REPORT WAS ADOPTED.

The Treasurer has appointed the following Special Committee on Notaries Public: Messrs. Strauss (Chairman), Bowlby, Cass and Chappell.

CONVOCATION ADJOURNED at 12:30 p.m.

The Treasurer and Benchers entertained at luncheon the Honourable Mr. Justice Aylesworth, the Honourable John White, Minister of Revenue, Mr. John Bassett, Chairman and Publisher of The Telegram, Mr. Arthur H. Crockett, President of The Canadian Bankers' Association, and Peter deC. Cory, Q.C.

CONVOCATION RESUMED at 2:25 p.m., a quorum being present.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 30th day of July 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Caldbick, Levinter, Lochead and Martin.

Director's Report

(a) The Director submitted a report pursuant to Section 83(2) (now 95(2)) of the Regulation.

(b) The Director submitted a report pursuant to Section 83(2) (now 95(2)) of the Regulation.

Controller's Report

(a) The Controller submitted a summary of applications for the two months ended May 31st, 1969.

(b) The Controller submitted a summary of applications for the three months ended June 30th, 1969.

Page 2 of the June report indicates a falling off in the number of applications received when one compares the quarter ending June 30th, 1969 with that of the preceding year. However, due to a slowness on the part of some areas in reporting their final week's activity for the month of June, these figures cannot be taken as reliable.

It is interesting to note on page 2 that refusals of formal legal aid applications are now being issued at the rate of 14% as compared with 7% in the same period in 1968. This may be due to a stricter approach by the Department of Social and Family Services coupled with perhaps a stricter approach on the part of the Area Director.

(c) The Controller submitted recommendations on the writing-off of balances owing by contributing clients pursuant to Section 86(2) (now Section 98(2)) of the Regulation for the months of June and July, 1969.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report for the three months ended June 30th, 1969.

MEETING OF AREA DIRECTORS — July 30th and 31st, 1969

An Area Directors' meeting was held at Osgoode Hall on July 30th and 31st, 1969.

The purpose of this meeting was to hold a full discussion of the problems facing Area Directors in administering the Legal Aid Plan; to give Area Directors an opportunity to discuss and comment upon the draft Area Directors' Handbook and to discuss the implementation of the amendments to the Legal Aid Act and Regulation.

The Committee recommended that the following policy be adopted:

> That this Committee recommends that where a disciplinary proceeding has been taken involving a solicitor with respect to legal aid and it appears that the solicitor may have obtained or attempted to obtain fraudulently money from the Fund, that the Law Society on the recommendation of its Discipline Committee, promptly place all the relevant facts before the appropriate law enforcement officers.

STATISTICAL SURVEY OF THE RESULTS OF THE ONTARIO LEGAL AID PLAN

As the result of a suggestion made by G. Arthur Martin, Vice-Chairman, the Committee recommended that a statistical survey should be conducted to obtain the results of Legal Aid; including percentages of cases where an accused has elected trial in a higher court and percentages of acquittals as compared to the national average as reflected in the Dominion Bureau of Statistics.

Your Committee approved Mr. Martin's suggestion that Professor P. J. Giffen, School of Sociology, University of Toronto, and Professor J. D. Morton, Osgoode Hall Law School, be appointed to assist the Controller in this survey.

The Committee suggested that the clerical staff in the Provincial Director's office be used to assist in the survey.

SECTION 26 OF THE LEGAL AID REGULATION

Section 26 of the Regulation permits a solicitor to have his name entered upon a panel in any area in which the solicitor maintains an office or in which he has an established practice.

The Committee reviewed correspondence dated July 7th, 1969 from E. O. Fanjoy, Solicitor, Elgin County, addressed to J. R. Tyrrell, Area Director, County of Norfolk, in answer to a letter from Mr. Tyrrell which advised Mr. Fanjoy that the members of his firm are no longer included on either the civil, criminal or advice Legal Aid Panels for the County of Norfolk.

Your Committee was of the opinion that the Norfolk Area Committee had no basis for their objections if solicitors have an established practice in Norfolk County.

The Director was instructed to advise the Area Director of the opinion of the Committee and to also advise the solicitors in question that they cannot be removed from the Legal Aid Panels for the County of Norfolk.

PAYMENT OF COSTS — PART VI OF THE REGULATION (NOW PART VII)

The Committee considered several applications for payment of costs. There being no hardship involved the applications were refused.

NON-RESIDENT APPLICATIONS

Your Committee reviewed one application from an Ontario resident who wished legal aid outside the jurisdiction.

The Committee recommended that a legal advice certificate be issued.

Your Committee reviewed a non-resident civil application from Manitoba requesting assistance in the Province of Ontario to commence a damage action as a result of a motor vehicle accident.

The Director was instructed to write the Manitoba solicitor advising him that the Committee is of the opinion that if an Ontario solicitor was made aware of the facts, he would no doubt act as his agent without the provisions of a legal aid certificate.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Northumberland and Durham
Clive T. Thompson, Q.C., Brighton

Welland County
W. H. Waugh, Solicitor, Welland

Resignations:

Northumberland and Durham
H. Ford Cowie, Registrar of Deeds, Port Colborne (deceased)

York County
Gordon Ford, Q.C.

THE REPORT WAS ADOPTED.

The Secretary was directed to send to all Benchers a copy of the press release issued following a special meeting of the Committee held on the 23rd July 1969 to consider the proceedings in the Provincial Court at Toronto on July 16th, 1969, presided over by His Honour Judge Bolsby.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

On the 26th and 27th June, 1969, your Committee attended a course of instruction on the computer held at the Inn on The Park, Toronto. This course was arranged by International Business Machines at your Committee's request and at no cost to the Society. The following members of your Committee attended: Mr. Fennell (Chairman), Miss McCormick, and Messrs. Beament and Steele. Mr. T. P. Callon, who is not a member of your Committee, also attended. In addition to your Committee members, representatives from the following bodies also attended the course at the invitation of either your Committee or I.B.M.: various Ontario Law Schools; The Ontario Legal Aid Plan (Director's Office); The Ontario Section of the Canadian Bar Association; The Great Library, Osgoode Hall; Ontario Department of Justice (Law Reform Commission); Ontario Department of Justice

(Administration of Justice Division); Federal Department of Justice.

Since its inception in June, 1968 your Committee has been studying the possible uses that can be made of the computer to the legal profession. Generally speaking, there are two broad areas for study: (1) the computer in the law office, *i.e.*, law office management and economics, and (2) the storage into and the retrieval from the computer of legal information. The purpose of the two-day course was to assist your Committee in its study and provide it with at least an elementary knowledge of how the computer works. The first day of study covered the following topics: the history of computer devices; definition of data processing; the processing unit; input and output devices; methods of processing and organization; and programming language. The second day covered the uses which can be made of the computer to the law with particular emphasis on their use in the law office, bill drafting and revision and legal research. Two persons gave addresses: Mr. S. E. Furth, Manager of Information Systems Marketing, I.B.M. Corporation, and Professor H. Lawford, Faculty of Law, Queen's University. Mr. Furth divided the application of the computer into four groups: (1) administrative; (2) services to the lawyer; (3) computer-assisted legal services; and (4) legal research (*i.e.*, its use as a storage tank for case law and statutes). Professor Lawford concentrated on the use of the computer for legal research and the work that he has been doing in this area. Professor Lawford, with the assistance of Professor K. Latta also of the Faculty of Law, Queen's University, is presently inserting into a computer the full text of the Canada Supreme Court Reports for the last 20 years and experimenting with methods of selective retrieval. Queen's University has received a government grant to assist this research. Professor Lawford gave a demonstration of his work.

Your Committee found the course to be very instructive and feels that it will be of much assistance in its study of the computer. Your Committee was impressed with the uses that can be made of the computer in the law office and understands that the Ontario Section of the Canadian Bar Association is studying this aspect of the computer. Your Committee is therefore leaving this area of study for the Association to pursue and is concentrating on the computer and the insertion and retrieval of legal information — in particular, case law, statutes, etc. It is still too early for your Committee to make any specific recommendations in this connection but your Committee intends continuing its study with a view to determining whether the computer has a place in legal research and what part, if any, the Law Society should play in its development.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON INCORPORATION OF LAW PRACTICES—Mr. Fennell

Convocation appointed a Special Committee on the Incorporation of Law Practices, with no specific terms of reference, consisting of:

Stanley E. Fennell, Chairman
Gordon F. Henderson and
Stuart Thom

The appointment of this Committee followed the Interim Report of the Select Committee on Company Law, and an inquiry to the Professional Conduct Committee as to the propriety of using a Management Company not only to own equipment but to pay junior solicitors.

Your Committee has communicated with the Law Societies of other provinces, other countries in the Commonwealth, the Law Society of England, the American Bar Association, the Bar Council of England, some of the State Bar Associations and other professional bodies. In most cases the replies indicated that practice in corporate form was not permitted but interest in the subject was evidenced in varying degrees.

The Bar of the Province of Quebec advised that the Quebec Inter-Professional Council had requested a Committee of their Bar to prepare a draft model Bill which would grant to all professionals the right to constitute themselves in a corporation. Information indicates:

(a) that the Government of Quebec has hinted that it would deal with the problem of legislation, in a general way, to cover all professional groups;

(b) that the model Bill has been presented to the General Council of the Bar of Quebec and approved; it has been presented to the Government of the Province of Quebec where it is now being considered.

(c) that no action to date has been taken on it;

(d) that while the report recommends a minimum of two applicants for incorporation, the Bar of Quebec would prefer that one member be permitted to incorporate. (The Ontario draft Bill 125-1968, The

Business Corporations Act, 1968, would permit incorporation with only one shareholder.)

A large volume of material was received from the United States where the subject has been a controversial one for some time. Many of the States have a statute permitting "Professional Corporations" in various forms but their use has been greatly curtailed by a ruling of the Bureau of Internal Revenue which denied to most of these "Professional Corporations" the very tax advantages which they were designed to produce.

An examination was made of the relevant statutes governing the practice of law in the Provinces of Canada and the relevant statutes governing the practice of other professions in Ontario. It is sufficient to note that in the case of the legal profession the present statutes in Ontario do not permit a corporation to practise law, and if it is to be permitted, statutory changes will be required.

A notice was inserted in the Gazette stating that the Committee was prepared to receive representations on the subject from members of the Society. As a result, your Committee received a number of communications.

Generally, these communications indicate that many members of the profession are convinced that there are substantial taxation advantages in using a "Professional Corporation" and that members of our profession are bearing an unfair share of the tax load because they are not permitted by the Department of National Revenue to use accounting systems and tax rates available to a corporate body. The tax advantage, which would result from using a "Professional Corporation" was the main reason, and in most cases the only reason, given for urging its use.

The emphasis placed on the tax aspect of the problem justifies an examination of the tax situation; or, to put it another way, the burden of justifying any change is thrown on the alleged tax advantages. These reputed advantages take the following form:

(i) lower rates on corporate income than on personal income;

(ii) accumulation of profits to finance growth, pay retirement benefits and hedge against fluctuating revenues;

(iii) availability of pension and profit-sharing schemes.

Incorporation does not offer any positive advantages in the way of new or additional deductions for business expenses.

This general statement is subject to the comment that in some circumstances the position of an employed lawyer who was formerly a partner might be somewhat less favourable. Under the present rules relating to the taxation of partners, any relevant expenses not deductible in computing the partnership income are deductible by the partners in completing their personal tax returns. In firms where expenses of furnishing offices, business promotion and so on are regarded as the responsibility of the individual partners, he might find difficulties in attempting to deduct the same amounts if he became an employee of a corporation. The corporate form of business operation could very well impose restraints on personal deductions which have been of no trouble to a partner.

On the question of whether corporate rates are lower than individual rates when applied to business income, there is a possible degree of misunderstanding of just what rates should be compared. At the present time the combined federal and provincial corporate rates in Ontario start at 23.54% on taxable income of a corporation up to $35,000 and rise to a maximum that flattens out at just over 51% on taxable income from about $500,000 up. Personal rates have two aspects to them which must be kept separate when comparisons are made with corporate rates, and it is important to use the appropriate rate in making such comparisons. Personal taxable income reaches $9,000 approximately before it pays tax at an effective rate which matches the lower corporate rate.

Comparisons do not, of course, tell the whole story. Hypothetical cases are innumerable but, for example, one might assume a group of three typical lawyers whose law business nets $100,000 annually. If they share this amount as equal partners, they will each pay $11,600 approximately for a total of $34,800 at an effective rate of 38.7%. If they operate as a corporation, however, they would agree to limit their salaries to $25,000 a year for each of them. This would result in individual tax liability of $7,935 approximately at an effective rate of 34.5%. This would leave $25,000 in the hands of the corporation to be taxed at the 23.54% rate of $5,885. The net amount of undistributed income in the hands of the corporation of $19,115 could be used to finance expansion, for business promotion, to underwrite a profit sharing scheme, or to be held in reserve against future distribution if net income falls off or on the retirement of the senior employees of the firm.

The immediate over-all saving of tax would appear to be about $5,110. It must be borne in mind, of course, that this sum is in the form of undistributed income in the hands of the corporation and at some later date will be exposed to tax when distributed to or enjoyed by, the shareholders. It will be noted that had the $25,000 left in the corporation been distributed to the shareholders, it would have been taxed at the individual's 46% marginal rate. It would be expected that the actual corporate tax paid plus eventual personal tax after allowing for dividend tax credits and capitalization would be at a considerably lesser rate. Moreover the personal tax would not be payable for some years with resulting additional tax benefit.

The opportunity presented to a corporation for the accumulation of profits at a lower tax rate than would result by including such profits in the income of the partners to be taxed at personal rates is regarded as a matter of great importance by practitioners who are commencing their legal careers. Many of them are burdened by debts incurred during the course of their education which must be paid off, necessarily out of the individual's taxed income. This inhibits the accumulation of funds required to build up their business, and the corporation would be a means of holding net profits back from distribution at advantageous rates. With legal education extending as it does over a great period of time, this consideration is one which should be given very serious thought. The accumulation of undisturbed profits at lower-than-personal rates of tax is also of interest to larger established firms who face the problem of making adequate provision for senior members of the corporation. Mention has been made of the point that tax-paid undistributed profits left in the hands of a corporation must eventually be exposed to tax when paid to, or distributed in some other way for the benefit of, the shareholders. In this regard, pending Bill 125-1968 known as The Business Corporations Act, 1968, above referred to is of great interest. The proposal is that the corporation will be allowed to buy its own shares. The relevant provision is section 39 of the draft Bill which in part reads as follows:

> "39. (1) Subject to any restrictions contained in its articles, a corporation may purchase any of its common shares out of surplus.
>
> . . . . .
>
> (4) No purchase of common shares shall be made under this section by a corporation unless the purchase is authorized by an express resolution of the board of

> directors acting in good faith and in the best interests of the corporation."

This should afford a means of making undistributed profits available to retiring members of the corporation while at the same time providing an effective answer to one very serious objection to the incorporated law practice.

The objection referred to is that any scheme of incorporation will necessarily require that the shares evidencing control of the corporation must not fall into the hands of laymen. When it is not possible for a corporation to buy back its own shares, a serious potential burden is imposed on new members of the company who would find it difficult to finance the cost of purchasing shares of senior shareholders, and a complementary disadvantage would be suffered by the retiring shareholder in his efforts to get his money out of the company. The purchase by the company of its own shares would be an effective answer to these problems. By arranging for such purchase of shares over a planned period, the retiring shareholder would receive his portion of the undistributed income as a part of the price paid to him for his shares.

The availability of pension and profit sharing schemes which would presumably follow from the utilization of a corporation is of more problematical value. The current attitude of the Tax Department is that the so-called one-man company is not to be permitted to set up pension schemes will be accepted for income tax purposes for the benefit of the shareholder-employee. Unless law corporations would receive equal treatment across the board, this current restriction on the introduction of pension schemes would be prejudicial to many practitioners who prefer to operate by themselves. It is also to be borne in mind that the dollar limits on contributions by a corporation and employees to pension plans and profit sharing schemes are not very much larger than the amount which an individual may deduct on the purchase of a retirement savings plan under section 79B. The profession at large might derive much greater benefit from a higher permissible deduction for contributions to R.S.P.'s than would follow from the feasibility of introducing corporate pension plans. The present limit of $2,500 on contributions to retirement savings plans is unrealistic in the light of modern incomes. On the other hand it is unfortunately the case that this limit cannot and will not be raised unless the limits presently imposed on pension plan and profit sharing contributions are raised at the same time.

Mention has been made of the fact that many practitioners prefer to operate by themselves which indicates that there might be a number of so-called one-man operations. The most recent decision touching on this type of business organization is found in the reasons for judgment delivered by Mr. Justice Cattanach in the appeal of Sazio v. Minister of National Revenue. The taxpayer in that instance was permitted to enjoy the benefits of a corporation which engaged in coaching services. The decision has not been appealed, but there are indications that the Tax Department is challenging the practice and it is not yet clear that the use of one-man corporations will give rise to the tax advantages being sought.

The issue may well be whether monetary tax advantages of incorporation would outweigh resulting prejudice to the professional status the lawyer now enjoys, which, to a very considerable degree, has its foundation in his personal relationship with his client. It is assumed that legislation could be drafted which would effectively impose personal liability on the lawyer-employee of a law corporation comparable to the personal liability of the lawyer today. The prejudicial consequences of incorporation are of a highly intangible nature and it is understandable that widely differing opinions will be held and expressed. With taxes playing such an extremely important part in the financial success of any business operation, any advantage that can be gained by placing the lawyer on the same basis as the business man should not be overlooked. Your Committee assumes that the shareholders of an incorporated law practice would be at all times members of the Society in good standing and believes that their personal relationship to the client and to the courts would not be affected. This seems a reasonable assumption, and if so, the major reason for not pressing for legislative recognition of incorporation is removed.

Your Committee considered requesting the Department of National Revenue to permit individuals and partnerships to enjoy the tax advantages now available without the requirement of incorporation. Previous approaches along this line by others indicate that such efforts would be futile.

The tax benefits which might result from the use of a Professional Corporation flow to the lawyer. No one has suggested that the use of a Professional Corporation would result in better service to the public. On the other hand, the reasons given for opposing the use of the professional corporation include the suggestions that the public might not be so well served.

It should be mentioned that the lawyer might also receive benefits from the Professional Corporation in —

(a) limited liability, of which further mention will be made later herein; and

(b) greater freedom in transferring an interest between partners.

As was stated in the interim Report of the Select Committee, the main objection to permitting Professional Corporations is the apprehension "that once the professional man is cloaked with the corporate form, the professional relationship between the professional and his patient or client will be impaired, if not severed, thus resulting in detriment to the public generally."

An official of the Law Society of South Wales, in writing to your Committee, voiced his apprehension this way: "The preservation of direct professional responsibility in the practice of any profession is desirable in the interests of maintaining status and preserving public respect."

If the use of the Professional Corporation will not result in better service to the public, and its main purpose is to confer a benefit on the professionals who use it, then it should be so designed and regulated that it will not detrimentally affect the service rendered to the public.

The United States problem, above referred to, flows from a ruling of the Bureau of Internal Revenue. The ruling provides that simply because a legal entity is given the status of a corporation by State legislation, that body is not constituted a corporation for tax purposes unless it possesses the characteristics of a corporation. This ruling has resulted in litigation, much controversy and many published articles on the subject. (The A.B.A. Professional Corporations Committee lists more than 100 published articles.) Much of the material is not relevant to our consideration but some of the discussion is helpful.

It is stated that a corporation has certain basic characteristics, among which are the right to hold real estate in perpetuity, centralized management, free transferability of shares, continuity of existence and limited liability. In the statutes authorizing the creation of Professional Corporations or associations, several of these basic characteristics were denied or fundamentally altered. Centralized management, if branch offices were permitted, might result in large chains being developed throughout the country and the question is left open as to its desirability. The transferability of shares requires restrictions to prevent unqualified persons from obtaining an interest in a Professional Corporation and thereby indirectly acquiring a division of professional fees. The continuity of existence, while it has certain advantages, creates real problems relating to payment of annual dues, disbarment, suspension and death. It has always been a fundamental principle of professional responsibility that there was unlimited liability as between a professional person and the client. Nowhere has it been suggested that this should be interfered with, although there have been some suggestions that there should be limited liability as between the client and other shareholders of the corporation. A feature of a corporation is the right given to the use of the corporate name: this has raised problems in some areas but little has been written of it, except to point out that a name acquires a substantial value with the continuity of existence. Another problem is the privilege attached to confidential communications between a solicitor and his client.

These problems which are the subject of dialogue by our American neighbours are mentioned to indicate the problems which lie in the path of Professional Corporations.

As a final reference to the American problem, it was indicated that one of the best statutes authorizing Professional Corporations or associations was in the State of Georgia. A letter received from the Secretary of the State Bar noted that — "I do not personally know of a firm of lawyers that has incorporated itself." The material before your Committee indicates that the ruling of the Bureau of Internal Revenue, above referred to, denied to Professional Corporations the tax advantages enjoyed by other corporations.

An article by Mr. M. C. Rodney of the Alberta Bar contains helpful material and indicates that such a ruling is unlikely to arise in Canada. However, it is an aphorism to say that in the field of taxation nothing is certain, except perhaps, that taxes will not be reduced.

It should not be overlooked that under S. 85(f) of The Income Tax Act, professionals can operate on a cash basis rather than an accrual basis. There is no certainty that this privilege would be extended to a Professional Corporation.

Of considerable importance is The Business Corporations Act, 1968, hereinbefore mentioned, which was introduced in the Ontario Legislature by the Prime Minister as Bill No. 125, 1968. It was indicated at the time that the bill was introduced that it would be left in abeyance to permit further study. If this Bill is passed, it has a number of interesting aspects included, among which are:

(a) incorporation to practise a profession is prohibited unless expressly permitted by the Statute governing the profession;
(b) a corporation need have only one shareholder;
(c) the minimum number of directors is reduced from three to two in the case of a corporation that has 15 or fewer shareholders;
(d) a corporation is permitted to purchase its own common shares out of surplus and to resell them subject to insider trading provisions;
(e) a statutory standard of conduct for directors and officers is prescribed.

At the hearings before the Select Committee on Company Law, the organized medical profession and several groups in that profession presented briefs; some of these briefs were made available to your Committee. Many members of the medical profession have been aggressive in seeking the right to practise their profession through a Professional Corporation. In the report of the November 1968 Session of the Council of the College of Physicians and Surgeons of Ontario, the following paragraph appears:

> "3. INCORPORATION FOR THE PRACTICE OF MEDICINE
>
> In May 1968 Bill 125 — The Business Corporations Act 1968, received first reading. The Bill proposes that the members of a profession be permitted to incorporate for the practice of that profession, but only if the professional practice Act under which they are licensed permits corporate practice. The Council believes that the provisions of the Bill will meet the expressed wishes of the medical profession and has advised the Provincial Secretary that it has found nothing objectionable in the section which provides for the incorporation of an individual or individuals for the practice of medicine and that it will propose the necessary amendments to the Medical Act. For the present, it has instructed the Legislation Committee to draft the terms of the amendment as soon as Bill 125 has been finalized."

The traditions of a profession should not be lightly altered. The ethical and professional standards established by generations of service demand the greatest respect. But when a professional service, which has been traditionally rendered personally, can, by statute and regulation, be rendered equally as well by corporate form, the right to use that corporate form should not be denied, if in granting it, distinct advantages flow to those who use it. On the other hand a member of our profession should not be permitted to avoid his responsibilities to his client including unlimited liability by the use of a corporate form.

On balance, your Committee is of the opinion that the members of the Society may obtain advantages by using a Professional Corporation. If they wish to do so, they should be given the privilege. However, that privilege should carry with it the obligation to maintain our ethical and professional standards without impairment, including unlimited liability to the client.

Your Committee therefore recommends:

(a) that the necessary legislation be sought to permit the practice of law by a Professional Corporation (the shareholders of which would be restricted to members of the Society), when The Business Corporations Act, 1968, or a similar statute is enacted, under conditions that ensure the maintenance of the high standards of our profession;

(b) that this Committee be dissolved.

THE REPORT WAS ADOPTED.

Conference of Presidents of County and District Law Associations

The Treasurer announced that arrangements should be made for the Joint Conference with the Presidents of County and District Law Associations.

Moved by Mr. O'Driscoll, seconded by Mr. Pepper, that the Conference be held at Osgoode Hall, Toronto, on Friday, the 7th November 1969. *Carried*

Re: Canons of Legal Ethics

The Treasurer read a letter addressed to him by Mr. Arthur Pattillo, President of the Canadian Bar Association, in which Mr. Pattillo states that the Executive of the Canadian Bar Association had appointed a Committee to study the Canons of Legal Ethics. The Committee consists of S. E. Fennell, Q.C., LL.D., Chairman, Professor Harry W. Arthurs, Jean Goulet, Colin McQuarrie, Q.C., and J. W. E. Mingo, Q.C., and its purpose is to endeavour to draft a revised set of Canons of Legal Ethics which might be considered by the governing bodies of the various Provinces with the hope that eventually a uniform set of Canons could be adopted throughout the country.

Moved by Mr. Pepper, seconded by Mr. Henderson that in principle Convocation is not opposed to this work being done by the Canadian Bar Association, and referred to the Governing Bodies of the Provinces for consideration, but feels that the representation from Ontario should be broadened.

Carried

PRESENTATIONS

The Treasurer reported that the following presentations have been made to the Law Society:

Dr. Harold G. Fox, Q.C., has presented a dozen "Flambeaux" lighting fixtures from Middle Temple Hall, London.

Mr. and Mrs. Edward B. Strathy, Toronto, have presented to the Society an 18-carat gold snuff-box which was presented to Mr. Strathy's great uncle, the Hon. Sir James Robert Gowan, K.C.M.G., LL.D., who was a Judge and Senator of Canada. Sir James Gowan was the first Judge of the new district of Simcoe, and the snuff-box was presented to him in July 1844 by the Magistrates of the District of Simcoe.

Mr. and Mrs. Strathy have also presented to the Society a book on the life of Sir James Gowan by H. H. Ardagh.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Mr. Merion Vickers congratulating the Treasurer and Benchers on the impressive dedication of the Osgoode Hall Law School of York University, and the reception thereafter.

Letter from Mrs. Charles Sale expressing the appreciation of herself and her family for the thoughtfulness and sympathy received from the Treasurer and Benchers at the time of her husband's death.

Letter from the Hon. Robert Welch, Q.C., thanking the Treasurer and Benchers for including him and Mrs. Welch in the ceremonies at Niagara-on-the-Lake when an historical plaque commemorating the founding of the Law Society of Upper Canada in 1797 was unveiled.

Letter from Mr. E. H. Heeney, President, Trust Companies Association of Canada expression his appreciation for the luncheon with the Benchers on June 20th.

Letters from Brig. Willis Moogk, President of Niagara Historical Society, expressing his appreciation for the luncheon with the Benchers on September 11th.

Ordered that the above letters be received and filed.

Letter from Mr. Harvey McCulloch, Q.C., dated July 21, 1969, with respect to Court Officials, not members of the Law Society, wearing barristers' gowns.

Moved by Mr. Cass, seconded by Mr. Henderson, that the Treasurer be empowered to discuss the matter with the Chief Justice of Ontario. *Carried*

Letter from Mr. W. J. Litwiller, Secretary, Hamilton Law Association, dated June 3, 1969 with respect to tariffs.

Moved by Mr. Cass, seconded by Mr. Steele, that this letter be referred to the Special Committee on Economic Council of Canada. *Carried*

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of October, 1969.

W. G. C. HOWLAND,
Treasurer

MINUTES OF SPECIAL CONVOCATION

Wednesday, October 8th, 1969
2 p.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Arnup, Beament, Bowlby, Callon, Cass, Dubin, Estey, Evans, Fennell, Ford, Goodman, Levinter, Lochead, Maloney, McCulloch, MacKinnon, O'Brien, O'Driscoll, Pepper, Robins, Sheard, Slemin, Steele, Strauss and Thom.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Wednesday, the 8th October 1969, the following members being present: Messrs. Sheard, Chairman, Beament, Vice-Chairman, Levinter, Pepper, Robins, Steele, Thom and R. F. Wilson.

Mr. J. H. Thomson, Q.C., and Mr. D. A. Yule of Clarkson, Gordon & Company, were present at the Committee's request.

ACCOUNTS

The Secretary reports that from the 1st September to the 30th September 1969 accounts, including Library Accounts, properly approved, to the amount of $67,101.39 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July to 30th September 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 30th September 1969. *Approved*

ANNUAL FINANCIAL STATEMENT

The Annual Financial Statement for the year ending 30th June 1969 as certified by the auditors, Messrs. Clarkson, Gordon & Company, is before the Committee for consideration. *Approved*

ANNUAL FEES

At its meeting on the 11th September 1969 your Committee considered the amount of the fee for membership in the Society for 1969-70, and asked the Secretary to obtain further information in view of the Society's building programme and financial situation generally. The Secretary has obtained further information and discussed it with Clarkson, Gordon & Company and obtained their advice, which is before the Committee in the form of a Report dated the 3rd October 1969.

The Discipline Committee recommends that the Compensation Fund levy for 1969-70 be set at $30.

Your Committee recommends that the annual fee for membership in the Society for 1969-70 be increased by $20 to $110, and that the Compensation Fund levy be set at $30.

Rolls and Records

The Secretary reports that the following former members of the Law Society have died:

Ross W. Gray, Q.C., Sarnia	Called—6 September 1922;	Deceased—11 December 1968.
Allan T. Lacey, Q.C., Lindsay	Called—16 October 1924;	Deceased—20 July 1969.
George A. Armstrong, Q.C., Toronto	Called—21 June 1951;	Deceased—5 September 1969.
Warren Y. Lefton, Toronto	Called—26 March 1965;	Deceased—5 September 1969.
Louis Herman, Q.C., Toronto	Called—18 September 1930;	Deceased—14 September 1969.
Harold A. Minden, Q.C., Hamilton	Called—20 September 1928;	Deceased—27 Sept'mb'r 1969.

Noted

Marjorie F. Barlow Estate

The following is a clause from the Will of the late Marjorie F. Barlow dated the 14th March 1961:

> "16. Upon the death of the survivor of myself and my husband to hold and dispose the residue of my estate upon the following trusts:
>
> (a) . . .
>
> (b) . . .
>
> (c) To divide all the rest, residue and remainder of my estate into three equal shares and to dispose of such shares as follows:
>
> (i) To pay or transfer one such share to The Law Society of Upper Canada, to establish a scholarship at Osgoode Hall Law School in Commercial Law, or some subject or subjects thereof, such as "Company Law", in memory of my said husband, to be known as "The Honourable Mr. Justice F. M. Barlow Scholarship in Commercial Law" (or in the said subject or subjects thereof, as the case may be), the approximate net income therefrom to be paid yearly, to the male student ranking highest, at Osgoode Hall, in his final year in Commercial Law, or in the said named subject or subjects thereof. Should more than one male student tie for the said Scholarship, it shall be awarded to that one, who, in the sole opinion of the Benchers of the said Law Society would benefit most from receiving it, and the decision of the

> Benchers in this matter shall be final. The said Benchers shall have full power and authority to determine the said subject or subjects included in, and forming part of the name of, this Scholarship."

In view of the affiliation of Osgoode Hall Law School with York University, Mr. C. F. H. Carson was retained by the Society to give his opinion, of the effect of this clause, and Mr. Carson's opinion is before the Committee.

An amount of $93,286 is being held by the Society invested in a 7% Guaranteed Deposit Receipt, and a further sum of $5,600 received in September 1969 has been deposited in the Law Society Trust Account.

Your Committee recommends that the necessary legislation be sought to appoint York University as Trustee in place of the Law Society of Upper Canada with respect to the provisions of the bequest to the Society under the Will of the late Marjorie F. Barlow dated the 14th March 1961, on terms similar to those specified in the draft of an Act respecting scholarships of the Osgoode Hall Law School of York University.

NEWTON W. ROWELL ESTATE

Clause 19(3) of the Will of the Honourable N. W. Rowell reads as follows:

> "19. Upon the death of my wife, to pay over and distribute the whole of my estate remaining in the hands of my trustees as follows:—
>
> > (3) To the Law Society of Upper Canada the sum of two thousand dollars ($2,000.), for the foundation of a scholarship in international law at the Law School conducted by the said Law Society, the income from the said fund to be paid annually upon such terms and conditions as the Benchers of the Law Society may from time to time determine."

The $2,000 has been received by the Society and placed in a trust bank account.

Your Committee recommends that the necessary legislation be sought to appoint York University as Trustee in place of the Law Society of Upper Canada with respect to the provisions of the bequest to the Society under the Will of the late Honourable Newton W. Rowell on terms similar to those specified in the draft of an Act Respecting Scholarships of Osgoode Hall Law School of York University.

ANNUAL FEES — *Masters, S.C.O.*

At its meeting on the 12th January 1967 your committee considered correspondence between A. F. Rodger, Q.C., Senior Master, and the Society with respect to payment of fees by Masters of the Supreme Court, and recommended that the matter be referred to the Legislation and Rules Committee. Under the provisions of the new draft Law Society Act, their membership in the Society will be in abeyance while they continue to hold their office. The section also provides that upon their ceasing to hold such office, their membership shall be restored by their giving notice in writing to such effect to the Secretary. The Masters of the Supreme Court of Ontario have been advised that they are not required to pay fees in view of this provision.

Re: J. McCubbin: Mr. J. McCubbin, whose resignation as Registrar in Bankruptcy and Master of the Supreme Court of Ontario, took effect as of the 30th September 1969, proposes to commence the practice of law, and asks what the Society's requirements are.

Your Committee recommends that Mr. McCubbin be required to begin paying fees at the end of November 1969.

REVISION OF RULES — *Finance Committee*

Your Committee recommends that the revision of the Rules of the Finance Committee be referred to the Chairman of this Committee, and the Secretary.

PENSION PLAN

At its meeting in February 1969 your Committee had before it a report from William M. Mercer Limited who were engaged by the Society to advise it with respect to its pension plan covering Law Society employees. Your Committee later retained Mr. J. H. Thomson, Q.C., of the firm of Miller, Thomson, Hicks, Sedgwick, Lewis & Healy, to study Mercer's recommendations and to advise the Committee whether these recommendations should be implemented to cover the Society's employees, including those employed by the Legal Aid Plan.

Mr. Thomson's recommendations are contained in a letter to the Secretary dated June 18, 1969, which is before your Committee.

Mr. Thomson is in attendance.

Your Committee favours a change to a segregated plan, preferably with the Standard Life Assurance Company, with unit benefits based on final five or ten years average earnings, with an increase of 1% in employees' contributions, and recommends that Mr. J. H. Thomson, Q.C., and the Secretary proceed with Mercers on that basis with negotiations with Standard Life, and that competitive quotations from other companies be obtained.

INVESTMENTS

The following bonds matured on the 15th September 1969 and have been deposited to the credit of the Compensation Fund and the General Account:

C.N.R. — 2⅞%, 1969 — $25,000 — General Fund

C.N.R. — 2⅞%, 1969 — $20,000 — Compensation Fund.

Your Committee recommends that the matter be referred to the Investment Sub-Committee.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF LEON PRICE OF THE CITY OF HAMILTON, A BARRISTER AND SOLICITOR.

Complaints having been received with respect to the solicitor's professional conduct in connection with the Ontario Legal Aid Plan, Notice of Complaint was served upon him, returnable before the Committee on August 11th, 1969. On that day counsel attended to seek an adjournment, which was granted to Wednesday, September 10th, 1969 at 10:00 o'clock in the forenoon. Your Committee met at the appointed time, composed of Mr. B. J. MacKinnon, Chairman, and Messrs. Goodman and Williston. Mr. Clive Bynoe attended as counsel for the Society and Mr. Gordon Sullivan, Q.C., attended for the solicitor.

The Notice of Complaint alleging that the solicitor was guilty of professional misconduct or conduct unbecoming a barrister and solicitor contained the following specific complaints:

Specific Complaint #1

> In the months of March and April, 1969, at the City of Hamilton, contrary to The Legal Aid Act, 1966, and the Regulations made pursuant thereto and in particular Ontario Regulation 100/67, Section 68, the solicitor acted for Mrs. Yvette Morin pursuant to a Certificate No. 45-6404 in a matter in which he had previously represented or advised her, while acting as Duty Counsel on February 24, 1969.

Specific Complaint #2

> In the month of March, 1969, at the City of Hamilton, contrary to The Legal Aid Act, 1966, and the Regulations made pursuant thereto and in particular Ontario Regulation 100/67, Section 68, he acted for Mrs. Caroline Lewis pursuant to Certificate No. 46-6502 in a matter in which he had previously represented or advised her, while acting as Duty Counsel on March 19, 1969.

Your Committee is of the opinion that there was professional misconduct on the part of the solicitor with respect to the specific complaints and recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published including the publication of his name and that he be required to pay the costs of the Society's investigation.

Upon the evidence presented, your Committee feels that the solicitor was a useful member of the Legal Aid panel and would recommend that any application by him for reinstatement as a member of that panel be considered after June 1st, 1970.

Moved by Mr. Evans, seconded by Mr. MacKinnon that the Report be adopted.

The solicitor attended without counsel, and made submissions on his own behalf.

Moved in amendment by Mr. Arnup, seconded by Mr. Strauss, that the recommendations of the Committee be amended by deleting the requirement that the solicitor pay the costs of the Society's investigation. *Carried*

Moved in amendment to the amendment by Mr. Ford, seconded by Mr. Levinter, that the solicitor be required to pay $1,000 towards the costs of the Society's investigation.

The motion was lost.

The Report as amended was adopted.

The solicitor returned and was informed of the amendment, and was reprimanded by the Treasurer.

Mr. Dubin was not present throughout, and took no part in the discussion, and did not vote.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of October, 1969.

W. G. C. HOWLAND,
Treasurer.

MINUTES OF CONVOCATION

Friday, 17th October 1969
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Beament, Bowlby, Callon, Cass, Chappell, Chitty, Estey, Evans, Ford, Goodman, Gray, H. E. Harris, Levinter, Lochead, Maloney, McCulloch, MacKinnon, McLaughlin, O'Driscoll, Pepper, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of September 19th and October 8th, 1969 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 9th day of October, 1969, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Cass, Estey, Henderson, MacKinnon, Thom and Slemin.

BAR ADMISSION COURSE

ENGAGING ARTICLING STUDENTS

A letter is before the Committee from Mr. Donald Lamont, Chairman of the Legal Education Subsection of the Ontario Branch of the Canadian Bar Association, relating to the present system of engaging articling students.

Your Committee recommends that Mr. Lamont be asked to keep the Society advised of developments in this area as it touches the effectiveness of the articling period of the Bar Admission Course in which the Society is not prepared at present to undertake additional regulation.

UNION OF LAW STUDENTS

A letter addressed to the Treasurer from Mr. Robert Aaron, Editor of Obiter Dicta, asking what the Society's attitude would be to a province-wide union of Ontario law students to "promote their interests in such matters as articling wages and conditions" is before the Committee.

Your Committee recommends that the drafting of a reply be referred with power to act to the Treasurer and Chairman of this Committee.

BAR ADMISSION COURSE LIBRARY

The Director of the Bar Admission Course has arranged to have the Bar Admission Course Library open in the evenings for two weeks on a trial basis at the request of the students. The cost in extra salaries will amount to approximately $75.00, and the Committee is asked to approve of this expenditure.

Approved

BAR ADMISSION COURSE FEES

The present fee structure in the Bar Admission Course is as follows:

Upon becoming a member of the Law Society of Upper Canada, payable upon filing application	$101.00
Upon commencing the teaching period of the Bar Admission Course, payable on or before September 1st of the following year (Tuition for teaching period)	$290.00
For Call to the Bar and Admission as a Solicitor, payable on or before the first day of the month in which the candidate intends to be called and admitted	$215.00

The current budget shows a deficit of the Bar Admission Course of $37,877.00.

Your Committee recommends that the tuition fees be increased by $60.00 to $350.00.

GROUP CHARTER FLIGHTS

A memorandum is before the Committee submitted by Mr. John Ball and Mr. Peter Fallis, students in the Bar Admission Course, proposing group charter flights to London, England, in the summer of 1970. There is also before the Committee the announcement published by the Ontario Branch of the Canadian Bar Association offering a charter flight to England next summer.

Your Committee recommends that they be advised that the Society is not prepared to adopt the suggestion made in their letter.

CONTINUING EDUCATION

SUMMARY OF RECENT FEDERAL AND ONTARIO LEGISLATION

The Director of the Bar Admission Course submitted a report respecting the publication of the Bulletin on recent legislation.

Your Committee recommends that the publication be continued, subject to the approval of the Finance Committee.

ESTATE TAX PROBLEMS —
SPECIAL ONE-DAY PROGRAMME — TORONTO

The Director of the Bar Admission Course requests the Committee's approval of the renting of Eaton Auditorium for the purpose of holding a special programme on Estate Problems on November 14, 1969, at a cost of $125.00. A memorandum from the Director is before the Committee. *Approved*

CONTINUING EDUCATION LECTURES 1970

The question is before the Committee what topics should be covered by the 1970 series of Special Lectures and on what dates the lectures should be given.

Your Committee recommends that the programme for the Special Lectures in 1970 be in the subject, "Area of Land Law" and that the lectures be held on March 13th and 14th, and March 20th and 21st.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 9th of October, 1969, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, MacKinnon, Robins and Slemin.

CALL TO THE BAR

Pursuant to the Committee's report of 17th January, 1958, the Committee recommended that the following Ontario solicitor be permitted to be called to the Bar without fee:

Edward Henry Hill (formerly English solicitor)

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for call to the Bar and to be granted Certificate of Fitness:

Heather Lynn Henderson — Manitoba

Approved

ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

Fourteen candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1969. *Approved*

DIRECT TRANSFER FROM QUEBEC

George Douglas McIntyre (B.A. McGill University 1931; M.A. McGill 1932; B.C.L. McGill 1935) was called to the Bar in the Province of Quebec in 1935. Mr. McIntyre practised law in the Province of Quebec until 1949 when he became departmental solicitor for Department of National Revenue, Customs and Excise Division at Ottawa. In 1968 he became solicitor in Departmental Services Section of Department of Justice, Ottawa. Mr. McIntyre was appointed a Queen's Counsel in 1963. He seeks to proceed under Regulations 4 and 5 and presents a Certificate of Good Standing from the Batonnier, of the Bar of Hull, Quebec. *Approved*

UNITED KINGDOM SOLICITOR

George Mutch presents a current practising certificate from the Law Society in England. He seeks to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFERS

Gurbux Singh Chugani (B.A. University of Agra 1955; LL.B. University of Bombay 1961) was enrolled as an Advocate in February 1962 and became eligible to practice as an Advocate throughout India and in any High Court or Highest Tribunal. He has been in active practice in India to the present.

At the January 1968 meeting of the Committee Mr. Chugani's application was approved under the then Regulation 11. He was unable to proceed then, but seeks to do so now. Due to the lapse of time and change in our Regulations his application is again submitted for consideration.

Approved to proceed
under Regulation 10(b)

Jag Mohan Katyal was approved by the Admissions Committee in June 1969, to write the preliminary examinations for entrance to the Bar Admission Course, as required under the terms of Regulation 10(b). Mr. Katyal failed the examinations which were written in August and asks the Committee's permission to write them a second time.

Your Committee recommends that he be allowed the write a second time after June, 1970, upon payment of a fee of $100.00, and upon the understanding that if he fails to obtain pass standing he may not write again.

Masoor Oadir (LL.B. degree University of the Punjab, 1956) submits evidence that he was entered on the rolls of Bar Association Mandi Bahauddin in 1959, and presents a certificate of standing from the Bar Association, stating he has been an active member to the present in Pakistan. He seeks to proceed under Regulation 10(b). *Approved*

Rafiuddin Nizamuddin Shaikh was approved by the Admissions Committee in June 1969, to write the preliminary examinations for entrance to the Bar Admission Course, as required under the terms of Regulation 10(b). Mr. Shaikh failed the examinations which were written in August and asks the Committee to reconsider his position "on the basis of the qualifying examination".

Your Committee recommends that he be allowed to write a second time after June 1970, upon payment of a fee of $100.00, and upon the understanding that if he fails to obtain pass standing he may not write again.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, Queen's University, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Frederick J. E. Jordan, B.Comm., LL.B., LL.M.

Approved, subject to his producing satisfactory evidence that he is a Canadian citizen or other British Subject.

EXCHANGE OF YOUNG GRADUATE LAWYERS BETWEEN THE BARS OF PARIS AND ONTARIO

A letter addressed to the Treasurer by A. S. Pattillo, Esq., Q.C., President, Canadian Bar Association, is before the Committee in which Mr. Pattillo suggests that arrangements be considered whereby a young Parisian graduate could come to a Canadian Province of his choice for a term certain of one year, with the right to extend the term for a further year. He would join some member of the Bar in the Province and during his term would be permitted to have all the privileges extended to a young graduate lawyer except he would not be able to appear in Court on his own but only accompanied by a senior. Similar privileges would be extended to Canadians going to Paris.

Your Committee recommends that because the questions involved affect the governing bodies of all Provinces, the matter be referred for consideration to the Conference of the Governing Bodies.

POLICY RESPECTING CALL TO THE BAR OF DEANS AND FULL-TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS IN ONTARIO

The following policy was adopted by Convocation on the 19th February 1960:

1. That deans of such approved law schools upon application after they have entered upon the second consecutive year in such position be called to the Bar and admitted as solicitors in Ontario without examination upon payment of a nominal fee of $200.00.
2. That other full-time members of such approved law faculties upon application after they have entered upon the third consecutive year in such position be called to the Bar and admitted as solicitors in Ontario without examination upon payment of a nominal fee of $200.00.

The policy with respect to full-time members of Osgoode Hall Law School has been:

> To call to the Bar and admit as solicitors in Ontario, full-time members of the Faculty of Osgoode Hall Law

School when they have entered upon their second consecutive year of teaching, without examination and without fee. This practice has applied whether or not the member of the Faculty was already a member of any other Bar.

The Committee is asked to consider whether these policies should be continued, and whether faculty members of Osgoode Hall Law School of York University should henceforth be dealt with upon the same principle as applies to faculty members of other approved law schools.

Your Committee recommends that the special policy relating to Osgoode Hall Law School be discontinued, and that the policy relating to the Deans and full-time faculty members of approved Law Schools in Ontario, be discussed with the Deans of the approved Law Schools in Ontario before further consideration by this Committee.

Revision of Rules and Regulations

Each Committee has been asked by the Chairman of the Legislation and Rules Committee, to review the Rules and Regulations which apply to it. These Rules and Regulations, and any revisions individual Committees may recommend, will be used by the Legislation and Rules Committee in drafting complete new Rules and Regulations of the Society as required under the new Law Society Act when it comes into force.

Your Committee recommends the matter be referred to the Chairman, Vice-Chairman and Secretary.

THE REPORT WAS ADOPTED.

Occasional Appearances

Mr. D. C. H. McCaffrey, Winnipeg, Manitoba, has applied to proceed under the Admission Committee's Regulation 11 governing 'Occasional Appearances in Ontario' of lawyers from other Provinces.

Moved by Mr. Thom, seconded by Mr. Cass, that Mr. McCaffrey's application to proceed under Regulation 11, upon payment of a fee of $100.00, be approved. *Carried*

PROFESSIONAL CONDUCT COMMITTEE—Mr. Pepper

Your Committee met on the 9th day of October 1969, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Gray, MacKinnon, Maloney, O'Driscoll, Slemin and Strauss.

A number of matters were considered by your Committee and the necessary instructions issued to the Secretary.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee consisting of Messrs. Steele, Chairman, Beament and Strauss and Miss McCormick, has considered the following matters:

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to September 30th, 1969, were approved.

DEMONSTRATION: XEROX READER-PRINTER

Your Committee attended at the Education Centre on College Street for a demonstration of the Xerox Reader-Printer. This is the fourth company which has put on such a demonstration for your Committee.

REPORTING

ONTARIO REPORTS

Rule 91 of the Law Society's Rules provides that a copy of the Reports "shall be furnished at the expense of the Society to such persons as Convocation on the recommendation of the Committee may from time to time direct".

Your Committee recommends that a copy of the Ontario Reports be furnished to the Registrar of the Surrogate Court of the County of York at the Society's expense.

RULES OF THE LAW SOCIETY: LIBRARIES AND REPORTING COMMITTEE

Your Committee was asked to consider whether it wished to recommend any amendments to the above Rules. It was moved and seconded that the Rules be referred to the Chairman, Vice-Chairman, Chief Librarian and Secretary of the Committee for consideration and report to the next meeting of this Committee.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 9th of October, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Henderson, Lochead and Steele.

JOHN K. BROWER

The above named pleaded guilty to proceedings instituted against him under Section 6 of the Solicitors Act. The evidence was that Mr. Brower carried on a business called "Marriage, Divorce and Reconciliation Consultants" with an office in downtown Toronto. He advertised in local newspapers offering information concerning the new divorce laws in Ontario and Legal Aid procedures. He interviewed people who saw his advertisements and gave them the impression that he was a lawyer and that he would be handling their divorce case. He explained how they could obtain Legal Aid and that they should forward their Certificate to him.

The conviction was registered and the accused was fined $25.00 or five days in jail.

A number of other matters were considered by your Committee and the appropriate instructions given to the Secretary.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. O'Driscoll

Your Committee met on Thursday, the 9th day of October, 1969, the following members being present: Mr. Henderson, Chairman, and Messrs. O'Driscoll (Vice-Chairman) and Gray (ad hoc).

CHRISTMAS CARDS AND PRINTS

At its meeting on 13th June, 1968 your Committee recommended, and Convocation approved, an expenditure of $500 to commission Mrs. Mary Schneider to produce four or five sketches of architectural features of Osgoode Hall suitable for Christmas cards or prints. Mrs. Schneider has now completed four drawings which are before the Committee.

The drawings are far more complete and detailed than was originally contemplated and are of a size and quality most suitable for reproduction, full size, for framing and hanging. Rous & Mann Limited have quoted a price of $2,498 for producing 1,000 folios containing a print of each of the four drawings on high quality paper. A dummy of the portfolio is before the Committee.

In view of the fact that she had done work far beyond her original expectations, Mrs. Schneider would like the Committee to consider increasing her fee to $1,000 and to provide some royalty for the sale of the portfolios.

Your Committee recommended that Mrs. Schneider be paid $500 and that the Chairman and Secretary explore the printing and marketing of portfolios of prints.

ONTARIO LAW STUDENTS' ASSOCIATION NEWSPAPER — LAW SOCIETY COLUMN

A letter from Mr. Timothy D. Ray, President of the Ontario Law Students' Association, is before the Committee suggesting that the Law Society contribute a regular column to their newspaper covering developments in the Law Society and matters generally of interest to students concerning the Society. *Approved*

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Thursday, the 18th day of September, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Levinter, Lochead and Martin.

The following matters were held over from the 22nd August, 1969 meeting:

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of July, 1969.

CONTROLLER'S REPORT

(a) The Controller submitted a summary of applications for 4 months ended July 31st, 1969.

(b) The Controller submitted recommendations as to the writing off of client recoveries pursuant to Section 98(2) of the Regulation for the months of June and July, 1969.

The Committee moved that all amounts on the schedule of write-offs of client recoveries for the months of June and July, 1969 be written off.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report for the three months ended July 31st, 1969.

(b) The Committee reviewed correspondence from the Legal Accounts Officer with respect to the allowance of travel time to a solicitor when "preparation" is included in his account. He only allows travel time when a solicitor is attending on a trial, preliminary hearing and/or examination for discovery.

The Legal Accounts Officer advised the Committee that he receives a good many complaints from solicitors who accept a certificate to represent clients in another city and are required to attend on adjournments, bail applications and to interview clients in custody.

The Committee was of the opinion that the travelling allowance could be more clearly defined and referred the matter to a sub-committee to study portal to portal charges. A sub-committee was appointed consisting of: W. B. Common, Q.C., Chairman, G. Lochead, Q.C. and Charles Dubin, Q.C.

(c) The Committee reviewed the Reasons for Decision of the Taxing Officer with respect to two legal aid accounts.

As a result of the discussion of these Reasons for Decision, your Committee considered a possible amendment to the Act and Regulation which would allow the Taxing Officer's decisions to be appealed.

This suggestion was referred to G. E. Beament, Q.C., Chairman, Sub-Committee on Amendments to the Act and Regulation.

CORRESPONDENCE

(a) The Committee considered correspondence from F. J. Cornish, Q.C., Area Director, York County, with respect to providing a legal aid service in his area on week-ends.

Your Committee instructed the Director to write Mr. Cornish informing him that law firms are not normally open on week-ends and that by the same token, legal aid offices should not be open on week-ends.

(b) The Committee considered correspondence from W. H. Green, Q.C., Area Director, Parry Sound District, with respect to applicants in his area who live some distance from the area office or the nearest solicitor and the resulting problem of having the affidavit on the application sworn.

The Director was instructed to inform the Area Director that in the circumstances such as he described, the application should be forwarded without the swearing of the affidavit; if it later appears that an action will be instituted, the affidavit can then be completed. The Area Director must use his judgment. Applications should not be held up because of the required affidavit. The Committee noted that in areas where applicants live some distance from an area office or a solicitor, the applicant could have the affidavit sworn at the local post office — the Postmaster usually being a Commissioner.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed a member of the legal aid committee for the respective area:

Welland County
William K. Ebert, Solicitor, Port Colborne

Resignations:

Cochrane District
David Lalonde, Timmins.

THE REPORT WAS ADOPTED.

The LEGAL AID COMMITTEE met on Thursday, September 18, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Levinter, Lochead and Martin.

CONTROLLER

(a) The Controller submitted an estimate of costs for the fiscal year ending March 31, 1971.

(b) Your Committee reviewed a memorandum from the Controller with respect to collection procedures following a meeting with the Deputy Attorney General.

The Controller was instructed to write the Deputy Attorney General setting out the revised collection procedures for his records and approval.

LEGAL ACCOUNTS OFFICER

(a) The Legal Accounts Officer submitted a report for the three months ended August 31, 1969.

REPORT — ASSISTANT PROVINCIAL DIRECTOR

(a) Mrs. Audrey Rosenthal, Assistant Provincial Director, reported to the Committee that she is presently reviewing the certificates along with the reports of the Social and Family Services Officer. Where warranted she is writing the Area Directors bringing to their attention possible errors or suggesting improvements when they issue certificates.

THE REPORT WAS ADOPTED.

Your Committee met on Wednesday, the 8th day of October, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Caldbick, Cass, Fairbairn, Ford, Levinter, Lochead and O'Driscoll.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of August, 1969.

CONTROLLER'S REPORT

(a) The Controller submitted a report being a summary of applications for five months ended August 31st, 1969.

(b) *Leases for Area Legal Aid Offices*:

The following leases which were reviewed by J. D. Honsberger, Q.C. on behalf of the Legal Aid Plan, were approved by the Committee:

i) *Huron County Legal Aid office*
2 years — April 1st, 1968 - March 1st, 1970 — $80 per month.

ii) *District of Muskoka Legal Aid office*
1 year — October 1st, 1968 - September 1st, 1969 — $70 per month.

iii) *District of Temiskaming Legal Aid office*
1 year 10 months — April 1st, 1968 - January 31st, 1970 — $40 per month.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report for the 3 months ended September 30th, 1969.

(b) Your Committee reviewed four Reasons for Decision of the Taxing Officer with respect to legal aid accounts.

(c) Your Commitee reviewed the problem of whether the Legal Accounts Officer has the authority to pay a solicitor's bill which has been submitted for services performed by his law student. One of the accounts reviewed was a solicitor's bill for services completely rendered by a student.

The Committee appointed a sub-committee consisting of Lyle S. Fairbairn, with power to add, to study the question of articled students being paid by the Ontario Legal Aid Plan. Mr. Fairbairn's terms of reference will include law clerks, private investigators and secretarial staff.

REPORT OF SUB-COMMITTEE ON SOLICITORS CHARGING AN HOURLY RATE IN ADDITION TO THE PER DIEM FEE

A report from John D. Bowlby, Q.C., Chairman of the Sub-Committee to consider whether a lawyer should bill an hourly rate in addition to a per diem fee was reviewed by the Committee.

The report dealt only with a fee to be paid in criminal matters. The Committee was of the opinion that the sub-committee's recommendation should include civil cases and it was moved that the following amended report be adopted:

> "That where the schedules of fees in the Regulation allows a counsel fee on a per diem basis that no allowance will be made for preparation on an hourly rate on days on which a counsel fee on a per diem basis is charged, unless in the opinion of the Legal Accounts Officer the complexity and/or importance of the trial or the nature of the work done makes it appropriate that such allowance should be made."

SURVEYS ON THE BENEFITS OF THE LEGAL AID PLAN

(a) The Director reported to the Committee that the Provincial Government has undertaken a comprehensive review of its policies concerning grants and aids to local governments and organizations, which review will include grants administered through the Department of Justice. The Legal Aid Plan will, therefore, be reviewed. The firm of Urwick, Currie and Partners Ltd. has been retained by the Treasury Board to conduct the review. Administrators of the Plan have been asked to supply Urwick, Currie with the following information:

1. The purpose and concepts of the Plan and how these were evolved.
2. The basis or formula of the Plan, including the types of cases covered, the method of determining eligibility for aid and the scale of fees.
3. The organizational structure of the Plan.
4. The administration of the Plan including the manner in which the formula is interpreted and applied and the nature of the detailed systems and procedures in use.
5. Techniques now employed to measure and control the costs of the Plan and to evaluate the resulting benefits.

Urwick, Curries' final report must be presented to the Treasury Board by mid-winter.

(b) The Director has been advised by the Attorney General's Advisory Committee that it proposes to conduct a cost benefit study of the Plan. A meeting between members of the Advisory Committee and the Chairman of the Legal Aid Programme Committee, the Director and the Controller, has been arranged for Thursday, October 16th, 1969. The Advisory Committee's terms of reference for the study will be discussed at that time.

SELECTION OF A LAWYER BY A LEGAL AID CLIENT

Correspondence from G. Arthur Martin, Q.C., Vice-Chairman of the Legal Aid Programme Committee, commenting on the selection of a legal aid lawyer from a panel was before the Committee for discussion. A letter from Gordon W. Ford, Q.C., expressing his views on Mr. Martin's letter was also before the Committee.

The Committee moved that the recommendations contained in both Mr. Martin's and Mr. Ford's correspondence be incorporated in a memorandum to be sent to each of the presidents of the County and District Law Associations (subject to the approval of the Treasurer). It was recommended that the Presidents should comment on the memorandum at their November 7th meeting in Osgoode Hall.

STUDENT LEGAL AID SOCIETIES

Correspondence under Section 74 of the Regulation for approval of Student Legal Aid Societies from: G. E. LeDain, Q.C., Dean, Faculty of Law, Osgoode Hall Law School, York University; R. S. Mackay, Dean, Faculty of Law, University of Western Ontario and R. St. J. Macdonald, Dean, Faculty of Law, University of Toronto, was before the Committee. The Committee recommended that approval be given to the formation of a Student Legal Aid Society as proposed by Dean Macdonald, excluding the recommendation that a student legal aid programme be initiated at the St. Christopher House.

The Committee requested that additional information be obtained from Deans LeDain and Mackay. The Committee also requested Lyle S. Fairbairn and the Director to advise the Deans on the information which they should submit. Mr. Fairbairn and the Director were asked to consult with Dean Macdonald on the setting up of a University of Toronto Student Legal Aid Programme and to report back to the Committee.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of barrister-at-law was conferred upon them by the Treasurer.

Edward Henry Hill
Heather Lynn Henderson, of Ottawa — transfer from Manitoba.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY AND IN THE MATTER OF JOHN WESLEY FERGUSON GOODCHILD OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR

The Law Society having received a complaint against the above-named Solicitor instituted an investigation which resulted in the following Notice of Complaint being issued:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct unbecoming a Barrister and Solicitor in that you:

> Between the 13th day of May 1968 and the 10th day of June 1969, both inclusive, received in trust for your clients, H.S. and the M.T. Company Limited, the sum of $44,000.00, more or less, and misappropriated $14,000.00 of it, more or less."

Your Committee composed of Mr. Charles Dubin, Chairman, and Messrs. John O'Driscoll and Ronald Cass convened at the appointed time, namely, the 30th day of September 1969. D. H. Carruthers, Esq., Q.C. appeared as Counsel for the Society.

On the evidence before it, your Committee finds the specific complaint to be established and recommends that the Solicitor be disbarred and his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The solicitor attended alone and addressed Convocation. He asked that he be allowed to resign his membership in the Society rather than suffer disbarment.

Moved by Mr. Maloney, seconded by Mr. Goodman, that the solicitor be permitted to resign upon giving undertakings acceptable to the Society.

The motion was lost.

Moved by Mr. Pepper, seconded by Mr. Bowlby, that the matter be referred back to the Committee in order to allow the solicitor the opportunity to present further evidence relating to himself if he wished.

The motion was lost.

Messrs. Chappell, McCulloch, Seymour and Thom were not present throughout the proceedings, took no part in the discussion, and did not vote.

The Report was adopted.

IT WAS ACCORDINGLY ORDERED

1. THAT the Report of the Discipline Committee in the matter of John Wesley Ferguson Goodchild, Barrister, a member of this Society and Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said John Wesley Ferguson Goodchild guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said John Wesley Ferguson Goodchild be disbarred.
4. THAT the said John Wesley Ferguson Goodchild is unworthy to practise as a Solicitor.

CONVOCATION ADJOURNED at 12:40 p.m.

The Treasurer and Benchers entertained at luncheon The Honourable Mr. Justice Wilson, the Honourable H. Leslie Rowntree, Minister of Financial and Commercial Affairs, Mr. H. M. MacDougall, Sr. Vice-President of the Ontario Division of the Bank of Montreal, and Mr. J. L. Cooper, President and Publisher of The Globe and Mail.

CONVOCATION RESUMED at 2:20 p.m., a quorum being present.

DISCIPLINE COMMITTEE—Mr. Evans

Your Committee met on Thursday the 9th of October 1969 at 10:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Bowbly, Cass, Gray, Henderson, Levinter, Lochead, Maloney, O'Driscoll, Slemin, Steele, Strauss and Thom.

1. The question has arisen whether the facts disclosed in an investigation by the Society should be laid before the Attorney General where it appears that a solicitor has wrongfully obtained or attempted to obtain public funds from the Ontario Legal Aid Plan.

Your Committee recommends the appointment of a subcommittee to be chosen by the Chairman, to consider this question and related matters.

2. Your Committee also recommends the appointment of a sub-Committee, to be chosen by the Chairman and Vice-Chairman, to consider the present Rules of the Law Society as they pertain to the Discipline Committee with a view to suggesting any necessary changes.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON THE J. SHIRLEY DENISON TRUST—Mr. Pepper

In the Spring of this year, on the recommendation of the Finance Committee, the Treasurer appointed this Special Committee consisting of:

P. B. C. Pepper, Chairman
Hamilton Cassels

R. W. Cass
T. Sheard and
R. D. Steele.

Convocation will remember that J. Shirley Denison, a former Treasurer who died in the year 1951, left his estate to his sister for her life with the remainder to the Law Society "for the relief of impoverished or indigent members of the Law Society and of their wives widows and children including among such wives widows and children those of any member of the Law Society who may have been disbarred or suspended".

Mr. Denison's sister died last year and the Law Society became entitled to the residue of the estate which has now been transferred.

Your Committee met on Friday, September 19th will all members present.

1. The Chairman reported on his discussions with Mr. Sheard in his capacity as Chairman of the Finance Committee and with Messrs. A. E. Ames & Co. Limited. The fund consists of securities of nearly $190,000 which A. E. Ames estimates will yield some $13,000 per year in income at an average return of 7%.
2. Your Committee considered the ways and means it might adopt to see that the wishes of the late Mr. Denison are carried out and ensure that monies be paid out to the proper objects of his bounty with the minimum of administration expense. After discussion the Committee authorised the Chairman to place an appropriate notice in the Ontario Reports advising the profession of the existence of the fund and inviting applications to be made to the Secretary.
3. Your Committee recognises that it may have to lay down some procedure and indeed perhaps to limit the amount paid out to any one applicant in a given year, but not knowing the extent of the potential demands on the fund prefers to leave consideration of these elements until the first applications have been received, when a further report will be made to Convocation.

THE REPORT WAS ADOPTED.

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Friday, the 26th day of September, 1969, at 9:30 a.m., the following members being present: The Treasurer, Chairman, and Messrs. Common, Levinter and

Sheard. Mr. Heeney and Mr. Gale of H. H. Angus & Associates Limited were also present.

The Report dealt with a number of matters respecting the renovations to the Society's premises and also the proposed renovations to the portion at Osgoode Hall owned by the Department of Public Works.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE—Mr. R. F. Wilson

Convocation resolved that the Report be considered at the regular November Convocation, and discussed at the Conference of the Presidents of the County and District Law Associations. *Carried*

SPECIAL COMMITTEE ON PLANNING—Mr. Beament

Your Committee met on Thursday, the 9th of October 1969, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele, and Miss McCormick.

1. Telex

At an earlier meeting, your Committee requested Canadian Pacific - Canadian National Telecommunications to survey and report on the uses that could be made of Telex by the following: The Legal Aid Office; The Great Library; The Society's Secretary's Office; and the profession generally. With the exception of "the profession generally" a report has now been received and a copy is attached to this Report. The report advises that the installation of Telex would not be justifiable in the Society's Secretary's Office or the Great Library but concludes that it would be useful to the operation of the Legal Aid Plan. Your Committee has accordingly forwarded a copy of the report to the office of the Director of Legal Aid for his consideration and for whatever steps he wishes to take. A report on the uses of Telex by the profession generally is to follow.

2. Data Processing in the Law Office

At the Committee's request a report was received from I.B.M. Canada Limited on the application of data processing in the law office. The report listed the following as some of the applications: client time and disbursement records; clients billing; accounts receivable and payable; office payroll; cost accounting; tax accounting and trust accounting. By using a punch card system, the above information is mechanically recorded and processed and is available quickly and efficiently. The report states that a firm of ten to twenty principals could be served by punch card until record equipment in the range of $400 to $1,000 per month. Larger firms would use a punch card computer or direct access computer at a cost of about $1,500 per month. Since your Committee understands that the Ontario Section of the Canadian Bar Association is studying this whole subject of law office equipment, a copy of this report is being sent to this body for its information.

3. Law Society Gazette

It is the intention of your Committee to provide an article for the *Law Society Gazette* covering items which your Committee feels are of interest to the profession and which your Committee has been studying.

THE REPORT WAS ADOPTED.

Remembrance Day Service

Moved by Mr. Cass, seconded by Mr. Lochead, that Messrs. Cassels and Ford be appointed a Special Committee to make the necessary arrangements for the Remembrance Day Service on Monday, November 10th, 1969, to be followed by a luncheon. *Carried*

Special Committee on Conference of Presidents of County and District Law Associations

Moved by Mr. Pepper, seconded by Mr. O'Driscoll, that the Treasurer be empowered to appoint a Special Committee on the Conference of Presidents of County and District Law Associations. *Carried*

The Treasurer has now appointed the following Special Committee: The Treasurer (Chairman), and Messrs. Cass, Henderson, Martin, MacKinnon, Robins and Steele.

Correspondence

The Treasurer presented the following correspondence:

Letters thanking the Treasurer and Benchers for being included in the luncheon and special Convocation honouring the Right Hon. Lord Gardiner, Lord High Chancellor of Great Britain, have been received from Chief Justice Gale personally and on behalf of the Bench, C. M. Samples of the British Government Office, W. R. Allen, Q.C., John A. Black, Mr. Justice Wishart F. Spence, Mr. Justice Kelly, Mr. Justice Moorhouse, R. C. Merriam, Q.C., J. A. Renwick, MPP, and from W. L. N. Somerville, Q.C., regretting that he was unable to attend.

A letter has also been received from Lord Gardiner thanking the Treasurer for the reception given him, and for honouring him by conferring upon him the degree of Doctor of Laws *honoris causa.*

Letters have also been received from the Rev. Father Elliott MacGuigan, S.J., and Gerald Devlin, President, The Thomas More Lawyers Guild of Toronto, thanking the Treasurer and Benchers for the luncheon following the Red Mass.

A letter from the Honourable Mr. Justice Donaldson thanking the Treasurer and Benchers for the luncheon in his honour on the 11th September 1969.

Letters have also been received from the Hon. John White, Minister of Revenue, Mr. A. H. Crockett, General Manager, The Bank of Nova Scotia, and Peter deC. Cory, Q.C., thanking the Treasurer and Benchers for the luncheon on September 19th, 1969.

ORDERED that this correspondence be received and filed.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 21st day of November, 1969.

W. G. C. HOWLAND,
Treasurer

MINUTES OF SPECIAL CONVOCATION

Wednesday, 12th November 1969
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.), and Messrs. Beament, Bowlby, Callon, Chappell, Estey, Evans, Fennell, Ford, Goodman, H. E. Harris, Levinter, Lochead, Maloney, Martin, McLaughlin, O'Driscoll, Pepper, Seymour, Sheard, Slemin, Steele, Strauss, Thom and Williston.

APPOINTMENT OF SPECIAL COMMITTEES

Moved by Mr. Sheard, seconded by Mr. Levinter, that Mr. G. A. Martin be appointed to the *Special Committee on Lawyers Referral Service* and to the *Special Committee on Specialization in the Practice of Law.* *Carried*

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF RONALD JASPER REID OF THE TOWN OF PRESTON, A BARRISTER AND SOLICITOR.

Following a complaint against the solicitor's conduct with reference to accounts for travelling time rendered to the Director of Legal Aid in accounts under the Legal Aid Plan, and the removal of the solicitor from the Legal Aid Panel for Waterloo County following the hearing of a Show Cause Summons before the Director, Notice of Complaint was served on the solicitor on the 5th day of March, 1969, returnable before your Committee on the 20th day of March, 1969 at 10:00 a.m. It contained the following specific complaint:

> Between January 1st 1968 and June 30th 1968, you charged unconscionable amounts in your accounts to the Legal Aid Plan for your travelling time between Preston, Ontario and Kitchener, Ontario.

Your Committee met on the appointed day. The hearing was adjourned until 13th May 1969, no evidence being taken. On the 13th of May your Committee met composed of Mr. Isadore Levinter, Chairman, and Messrs. Strauss and Ford. The solicitor attended with his counsel, K. E. Howie, Q.C. The Society was represented by Austin Cooper, Q.C.

Evidence was presented to the Committee named above with reference to the specific complaint on the 13th May 1969 and again on the 16th June 1969, the 18th June 1969 and the 4th July 1969, when, after argument, judgment was reserved.

On the evidence, your Committee finds:

(1) that from January 1st to June 30th 1968 there was, in fact a vast amount of overcharging for travelling time in the solicitor's accounts rendered to Legal Aid;

(2) that the practice carried on in a firm name was that of the solicitor, who, at all material times, exercised tight control over a highly organized practice, including the Legal Aid part of it, and particularly over the financial

aspects, such as setting the fees, the preparation and rendering of accounts;

(3) that the degree of control by the solicitor of Legal Aid accounts in his office, including his own preparation and dictation of accounts, checking and signing same, is on all the evidence inconsistent with his lack of knowledge as claimed that there was duplication in travelling account charges;

(4) that, generally, in the period January 1st 1968 to June 30th 1968, in the supervision and rendering of accounts to Legal Aid, the solicitor's conduct indicated such a reckless disregard of his duties as a solicitor as to amount to a presumption on the facts that he knew or ought to have known, that he was rendering accounts with vast duplications, amounting to very substantial overcharges in his accounts to Legal Aid;

(5) that, specifically, on numerous occasions when signing and rendering accounts on the same day, which included duplications of charges for travelling time, he in fact knew that by means of improper overcharges for travelling time he was attempting to defraud the Law Society as trustee of public funds for the Legal Aid Plan;

(6) that the evidence of the solicitor that the duplications in travelling time charges were inadvertent and unknown to him until drawn to his attention in August of 1968 is rejected.

Your Committee accordingly finds the Complaint is established and recommends that the solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans, seconded by Mr. Levinter, that the Report be adopted.

The solicitor attended with his counsel, Mr. Claude R. Thomson and Mr. K. E. Howie, Q.C.

Mr. Austin Cooper, Q.C., attended for the Society.

Mr. Thomson made submissions respecting the jurisdiction of the Society, and filed a Memorandum of Argument outlining his position. He suggested that the matter be referred back to a Discipline Committee having no members of the Legal Aid Programme Committee on it, to begin the investigation de novo.

Mr. Cooper made submissions with respect to the matters covered by Mr. Thomson's presentation.

Convocation adjourned for lunch.

The Benchers entertained at luncheon the Honourable W. Darcy McKeough, the Minister of Municipal Affairs, and Dr. Harold G. Fox, Q.C. The Treasurer presented to Dr. Fox his certificate of Honorary Life Membership and expressed the appreciation of the Society for the Flambeaux which he had presented to it and which were formerly in the Middle Temple.

Convocation resumed, the following members being present: The Treasurer and Messrs. Beament, Bowlby, Callon, Chappell, Estey, Evans, Fennell, Ford, H. E. Harris, Levinter, Lochead, Martin, Pepper, Seymour, Sheard, Steele, Strauss and Thom.

Mr. Howie made submissions on the solicitor's behalf, and Mr. Cooper addressed Convocation respecting the area dealt with by Mr. Howie.

Mr. Howie replied.

The Solicitor and all counsel retired.

Moved by Mr. Martin, seconded by Mr. Pepper, that the Report be amended by striking out paragraphs (3), (5) and (6) on page 12 of the Report, and amending paragraph (4) to read:

> "(4) that, generally, in the period January 1st 1968 to June 30th 1968, in the supervision and rendering of accounts to Legal Aid, the solicitor's conduct indicated a reckless disregard of his duties as a solicitor which resulted in very substantial overcharges in his accounts to Legal Aid;"

and that the recommended penalty be changed to suspension from practice for a period of eighteen months and payment of the costs of the Society of the investigation as a condition of reinstatement. *Carried*

The Report as amended was adopted.

Messrs. Goodman, McLaughlin and Williston took no part and did not vote.

CONVOCATION THEN ROSE.

Read into Convocation and confirmed this 21st day of November 1969.

W. G. C. HOWLAND,
Treasurer

MINUTES OF CONVOCATION

Friday, 21st November 1969
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Beament, Bowlby, Callon, Cass, Chappell, Chitty, Clement, Estey, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Lochead, McCulloch, MacKinnon, O'Brien, O'Driscoll, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and Williston.

The Minutes of Convocation of October 17th and November 12th, 1969 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 13th day of November, 1969, at 2:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Callon, Estey, Henderson, MacKinnon, Sheard, Slemin, Thom and R. F. Wilson.

FACULTY — BAR ADMISSION COURSE

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Commercial Law

K. Jaffary, Esq., to be appointed an Instructor.
J. B. Keyser, Esq., to be appointed an Instructor.
H. D. Marks, Esq., to be appointed an Instructor.
R. S. Paddon, Esq., to be appointed an Instructor.
I. Fleischmann, Esq., to be appointed a Stand-by Instructor in place of D. T. Bennett, Esq., Q.C., resigned.
P. R. Hayden, Esq., to be appointed a Stand-by Instructor in place of K. Jaffary, Esq., promoted to Instructor.
T. G. Jamieson, Esq., to be appointed a Stand-by Instructor in place of R. S. Paddon, Esq., promoted to Instructor.

Corporation Law

S. J. Godfrey, Esq., to be appointed a Stand-by Instructor.

Creditors' Rights

M. Shafir, Esq., to be appointed an Instructor in place of O. B. Shime, Esq., resigned. *Approved*

APPROVAL OF LAW COURSES — EFFECT IN AN INDIVIDUAL CASE

A letter is before the Committee from Mr. George R. Milnes dated 21st October, 1969. Mr. Milnes has applied to enter the LL.B. course at Queen's University as a mature student without the normal admission requirements. He asks the Society whether if he obtains an LL.B. degree from Queen's University he will be eligible to enter the Bar Admission Course, and upon his successful completion of it be called to the Bar and admitted as a solicitor in Ontario.

Your Committee recommends that he be advised that if he completes the LL.B. degree after having completed two years of full-time undergraduate studies in accordance with the admission requirements of the Faculty of Law of Queen's University, as referred to in his letter of 21st December, 1969, he will be eligible to enter the Bar Admission Course.

LEGAL PUBLICATIONS

A letter is before the Committee written to the Treasurer by Mr. A. A. MacBain on the 2nd of October, 1969. Mr. MacBain suggests that the Benchers appoint a Special Committee to promote and encourage the publication of legal textbooks in Ontario or new editions of existing works and have available for these purposes a substantial fund from which payments could be made to the authors having regard to all relevant circumstances.

Your Committee recommends that the Chairman be empowered to answer Mr. MacBain's letter, thanking him and mentioning that although no funds are presently available for this purpose, the Bar Admission Course has encouraged and assisted in the publication of new material in book form in a variety of subjects, also that a copy of his letter will be forwarded to The Foundation for Legal Research in Canada for its consideration.

CONTINUING EDUCATION LECTURES IN 1970

A draft insertion for the *Ontario Reports* respecting Continuing Education Lectures 1970 is before the Committee.

Approved

Moved by Mr. MacKinnon, seconded by Mr. Estey, that a Sub-Committee of this Committee be appointed by the Chairman to consider the whole process of legal education in Ontario and to make recommendations to this Committee.

Approved

THE REPORT WAS ADOPTED.

Pursuant to the recommendation of the Legal Education Committee, the following Sub-Committee on Legal Education has been appointed: Messrs. MacKinnon (Chairman), Arnup, Evans, Henderson, Robins and Thom.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 13th of November 1969, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, and Messrs. Beament, Callon, MacKinnon, Robins, Sheard, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular cases are now entitled to be called to the Bar and to be granted Certificates of Fitness:

Ronald George Atkey
Special — Faculty of Law, University of Western Ontario — Fee $200.

Mitchell Harold Gropper
Special — Faculty of Law — University of Western Ontario — Fee $200.

Frederick John Edward Jordan
Special — Faculty of Law, Queen's University — Fee $200.

Edward Francis Ryan
Special — Faculty of Law, University of Western Ontario — Fee $200.

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Six candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1969. *Approved*

DIRECT TRANSFER

Leonard Graholm (Bachelor of Applied Science, University of British Columbia, 1960; LL.B. University of Saskatchewan, May, 1965) was called to the Bar of the Province of Saskatchewan in September, 1966. Mr. Graholm has practised continually in Regina to the present. He presents a Certificate of Good Standing from the Law Society of Saskatchewan and seeks to proceed under Regulation 2. *Approved*

UNITED KINGDOM SOLICITORS

Mark Langdon Forbes, of Kingston, Jamaica, presents a current practising certificate from the Law Society in the United Kingdom. He seeks to proceed under Regulation 8. *Approved*

John Kenneth Twitchen presents a current practising certificate as a solicitor in the United Kingdom and asks to be allowed to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFERS

Fazleali Abdultayah Adamjee (LL.B., University of Birmingham, July, 1960) was admitted to Lincoln's Inn in 1957 and was called to the Degree of Utter Barrister February, 1962. He became a member of the Tanganyika Law Society April, 1962 to January, 1963 when he was admitted to practice as an Advocate in the High Court of Tanzania. He presents a certificate of good standing and proof of practice to the present from the Tanganyika Law Society and seeks to proceed under Regulation 10(b). *Approved*

Ernest F. Aranha (B.A., Madras University; LL.B., University of Bombay, 1952) was admitted to be an Advocate in the High Court of Judicature at Bombay, June, 1953. He presents a certificate dated September, 1969, from the Presidency Magistrate, Bombay, stating he is an Advocate of Bombay High Court and a man of integrity and good character. Mr. Aranha seeks to proceed under Regulation 10(b). *Approved*

Baleshwar Prasad Gupta obtained a B.A. degree and then the LL.B. degree from Patna University in February, 1963. Mr. Gupto states he has been in active practice in India since 1963.

At the September, 1969 meeting of the Committee it was recommended that this matter stand for fuller documentation as Mr. Gupta presented a testimonial only from a Judge of the High Court of Patna. The Society has now received from Mr. Gupta a certificate of good standing and proof of practice from the Bar Association of Daltongunj. Mr. Gupta seeks to proceed under Regulation 10(b). *Approved*

Jesudasan Mitter obtained a B.A. degree in Economics 1956, and the degree of LL.B. in 1958 both from Madras University, India. He also holds a post-graduate diploma in labour laws and administrative law of the University of Madras. He passed the Bar Council Examination at Law College, Madras, in December, 1958. He has been in active practice in Madras to the present.

At the January, 1968 meeting of the Committee, Mr. Mitter's application was approved under the then Regulation 11. Mr. Mitter now has his visa which expires in March, 1970 and although an extension of time to enter the Bar Admission Course was obtained to the 30th of September, 1969, the visa arrived too late. Mr. Mitter is asking that he be granted approval to enter the September, 1970 Bar Admission Course.

Your Committee recommends he be required to write the examinations specified in Regulation 10(b).

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Windsor, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Walter Surma Tarnopolsky, B.A., LL.B., Dean of Law, University of Windsor. Admitted to Bar of Saskatchewan, 1960. *Approved*

REPORT OF SUB-COMMITTEE ON ADMISSION TO BAR ADMISSION COURSE OF NOTARIES FROM THE PROVINCE OF QUEBEC

Your Sub-Committee met at Osgoode Hall on Monday the 3rd November 1969, at 10:00 o'clock in the forenoon, the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Sheard and Thom.

Your Sub-Committee considered the representations made by some Quebec Notaries who want to transfer to practice in

Ontario, the advice of representatives of the Bar of Quebec and the opinion of Professor Castel. Your Sub-Committee sought Professor Castel's opinion because he has studied and written about the legal system in Quebec.

All of the views expressed to your Sub-Committee favour Quebec Notaries being allowed to proceed on the same basis as members of the Bar of Quebec who are now covered by transfer Regulation #5 which is as follows:

Direct Transfers from Quebec

> An applicant who at the time of application is engaged in active practice in Quebec as a barrister and has been so engaged for a continuous period of three years or more immediately preceding application may upon the recommendation of the Admissions Committee be:
>
> (1) admitted to the Society as a student-at-law of the Bar Admission Course upon fulfilling all other requirements; and
>
> (a) presenting a certificate of good standing; and
>
> (b) presenting proof that he was in active practice for a continuous period of at least three years immediately preceding his application;
>
> (2) and may be called to the Bar and admitted as a solicitor upon presenting a certificate of completion of the Bar Admission Course.

Your Sub-Committee so recommends.

Your Committee recommends that the Sub-Committee's recommendation be adopted.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 13th day of November 1969, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-chairman), Gray, Henderson and Pepper.

ACCOUNTS

The Secretary reports that from the 1st October to the 31st October 1969 accounts, including Library Accounts, properly approved, to the amount of $181,672.68 have been paid.

Approved

Financial Statement, 1st July 1969 to 31st October 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 31st October 1969. *Approved*

Rolls and Records

The Secretary reports:

1. That the following former members of the Law Society have died:

Arthur G. Wallingford, Q.C., New Liskeard	Called — 21st November 1935 Deceased — 26 September 1969
Jacob H. Greenberg, Q.C., Toronto	Called — 15 September 1921 Deceased — 15 October 1969
Gordon D. Watson, Q.C., Toronto	Called — 19 September 1929 Deceased — 19 October 1969
Allington T. Bowlby, Q.C., Toronto (Honorary Life Member)	Called — 20 September 1907 Deceased — 21 October 1969
Thomas H. Simpson, Q.C., Hamilton (Honorary Life Member)	Called — 13 September 1912 Deceased — 4 November 1969

2. That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

J. W. F. Goodchild, Toronto	Called — 29 June 1949 Disbarred — 17 October 1969.

Noted

Libraries and Reporting Committee

County Libraries Grant

The Association listed below has sent in its Annual Return for 1968. The amount set opposite its name is the amount of the grant to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

Northumberland & Durham	$966.40
Penalty for late filing	96.64
	$869.76

Because of extenuating circumstances the Libraries and Reporting Committee is being asked to approve payment of the full grant without the imposition of the penalty.

Your Committee recommends that the grant be paid in the sum of $966.40, subject to the approval of the Libraries and Reporting Committee.

AUDITORS

At Convocation on the 16th May 1969 it was resolved that Messrs. Clarkson Gordon & Company be appointed auditors of the Society for the period of one year from the 1st July 1969 at an annual fee of $2,500.

A letter from Clarkson Gordon & Company is before the Committee asking that, in view of increasing costs, their annual audit fee be increased to $3,000. *Approved*

RESIGNATIONS

Your Committee, having considered the material filed under the relevant Rule, recommends that the resignations of the following members be accepted:

Robert Hopper Harstone, Q.C., St. Marys
Harold Hamilton Mulkins, Ottawa
Jean Elizabeth O'Rourke, Q.C., Toronto
Jerome Emilien Paradis, Montreal, P.Q.
Samuel C. Schiller, Q.C., Toronto
Kelvin David Main Spence, Q.C., Como, P.Q.

SUMMARY OF RECENT FEDERAL AND ONTARIO LEGISLATION

In October the Director of the Bar Admission Course reported to the Legal Education Committee respecting the publication of a summary of recent Federal and Ontario legislation which had been distributed to the profession at a cost of $5,386.58, and asked for instructions as to whether the publication should be continued.

The Legal Education Committee recommended that the publication be continued, subject to the approval of the Finance Committee. *Approved*

LAW ENFORCEMENT PROGRAMME — HUMBER COLLEGE

By letter dated October 9, 1969, Mr. Al Coleclough of Humber College of Applied Arts and Technology wrote Professor J. D. Morton respecting obtaining space for lectures in police training in a central location, and suggested that

Osgoode Hall would be very suitable. This would involve space for a class of about thirty students. Professor Morton has handed the letter to the Secretary.

Your Committee recommends that the Secretary obtain further information, including how much space would be needed, and at what time.

INVESTMENTS

On the recommendation of the Sub-Committee on Investments, the following securities were sold and credited to the General Account:

$50,000	Bell Telephone, 6⅛%, 1987	$37,625.00
$ 5,000	Hydro Electric Power Comm., 3½% 1979	3,412.50
$50,000	Province of Ontario, 3% 1977	35,500.00
$50,000	C.N.R., 5% 1987	35,687.50

Approved

Re: J. Shirley Denison Trust

The following securities matured:

Government of Canada, 5½%, 1969	$4,000.00
Canada Permanent Mortgage, 6½%, 1969	7,000.00
Hydro Electric Power Commission, 4¼%, 1969	1,000.00

On the instructions of Mr. Pepper, Chairman of the Special Committee on J. S. Denison Trust, the following securities have been purchased: $12,000.00 Canada Savings Bonds, 1969-70 series, 7%-8%-8¼%. *Approved*

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

The Report of the Compensation Fund as at October 31st, 1969 was received.

GENERAL REPORT

Your Committee met on Thursday November 13th 1969 at 11:00 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Gray, Henderson, Levinter, Lochead, Maloney, Pepper, Robins, Slemin, Steele, Strauss, Thom and Williston.

1. RULES RESPECTING ACCOUNTS — Sub-Committee

On September 19th 1969 a sub-Committee was appointed to review the proposed Rules Respecting Accounts. Your Committee considered the Report of the sub-committee and recommends that the proposed new Rules Respecting Accounts be circulated to the profession.

2. DUTIES OF SOLICITORS TO CLIENTS IN CRIMINAL MATTERS — Sub-Committee

A sub-Committee was appointed to consider the duties of solicitors to clients in criminal matters and the general problem of the right of a lawyer to withdraw from a criminal case. Your Committee recommends that the report of the sub-Committee be adopted. The Report includes a recommendation that a notice be issued by the Law Society to the profession informing the profession of the principles which govern the right of counsel to withdraw, and notifying the profession that failure to observe such principles may constitute professional misconduct.

THE REPORT WAS ADOPTED.

The Secretary presented the following Orders which are entered in the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF JOHN WESLEY FERGUSON
GOODCHILD A BARRISTER-AT-LAW AND ONE OF THE
SOLICITORS OF THE SUPREME COURT OF ONTARIO AND
IN THE MATTER OF THE LAW SOCIETY ACT.

WHEREAS it has been certified by the Assistant Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 17th day of October 1969 disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE this Court doth Order that the said JOHN WESLEY FERGUSON GOODCHILD be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 17th day of October, 1969.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 193
as Document No. 1048
on Oct. 17 1969 E.McB.

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF THE LAW SOCIETY ACT AND
IN THE MATTER OF RONALD JASPER REID OF THE
TOWN OF PRESTON, A BARRISTER-AT-LAW AND ONE OF
THE SOLICITORS OF THE SUPREME COURT OF ONTARIO.

WHEREAS the Secretary of The Law Society of Upper Canada had given Notice to the Registrar of the Supreme Court of Ontario pursuant to Section 46 of The Law Society Act, R.S.O. 1960, chapter 207, that the Benchers of the said Society did, on the 12th day of November 1969, suspend from practice the said Barrister-at-law for a period of eighteen months;

THEREFORE THIS COURT DOTH ORDER that the said Ronald Jasper Reid be suspended from practice as a Barrister and Solicitor for a period of eighteen months from the 12th day of November 1969.

DATED this 13th day of November 1969.

"Gordon F. Beddis"
Registrar
The Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 195
as Document No. 93
on Nov. 13 1969 V.G.

RE: LOUIS DAVIDSON — *Petition for Reinstatement*

Moved by Mr. Evans, seconded by Mr. MacKinnon, that consideration of this matter stand to the January Convocation.
Carried

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 13th day of November 1969, at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Gray, MacKinnon, Maloney, O'Driscoll, Slemin and Strauss.

A number of routine matters were considered by your Committee and the necessary instructions issued to the Secretary.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th of November 1969, the following members being present: Messrs. Steele, Chairman, Strauss, Miss McCormick, and Mr. Dubin, ad hoc.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st October, 1969, were approved.

GIFTS AND DONATIONS

Donations have been received from the following:

Mr. C. P. Coatsworth: A total of 210 bound volumes including bound texts, reports and statutes, and several loose parts of the *Canada Law Reports* and *Ontario Law Reports*. This collection includes Blackstone's Commentaries, 17th ed., 1800, 4 v., as well as a framed photograph of the members of the Supreme Court of Judicature for Ontario, 1891.

Mr. W. G. Dingwall, Q.C.: A total of 65 bound volumes including bound texts, reports and statutes, and a number of loose parts of the *Canada Law Journal, Canadian Law Review, Canadian Law Times* and *Ontario Law Reports*.

Noted

COUNTY LAW LIBRARIES

NORTHUMBERLAND AND DURHAM LAW ASSOCIATION

The above Association has now sent in its annual returns for 1968. The amount of grant which it should receive under the Rules for 1968 is $966.40 but because of late filing this amount is subject to a penalty of a 10% reduction to $869.76. The President of the Northumberland and Durham Law Association has explained the circumstances for the late submission of the 1968 returns and your Committee recommends that the 10% penalty be waived.

COCHRANE LAW ASSOCIATION

The Cochrane Law Association has made application for a loan of $2,000 under Rule 105 of the Rules to enable it to purchase a set of the Dominion Law Reports for its Timmins Library to be repaid by deductions of $300 from its annual grants over a period of seven years from 1970.

The Cochrane Law Association was organized in 1926 with its Library at Cochrane and has been receiving grants regularly since that time. In 1964 the Association established a second Library at Timmins and accordingly obtained an increase in its grant under what is now Rule 99(5).

Records show that there were 21 paid-up members in this Association at the end of 1968. An increase in fees to $20.00 per annum for members located in Timmins is presently under discussion. If this increase were implemented then it is anticipated that the annual fees for the Association will amount to approximately $385.00 and the annual grant will be about $1,455.00. There is a total of 2,479 books in the Association's two Libraries. In 1968, a total of $815.76 was spent on the Cochrane Library and $692.59 spent on the Timmins Branch.

Your Committee recommends that the loan be made to this Association provided that the usual security is received.

REPORTING

ONTARIO REPORTS

Your Committee recently considered the matter of reporting Judgments and the publication of one set of law reports for the entire country so as to avoid duplication. Your Committee recommends that it communicate with the Queen's Printer and the Law Societies of the other common law provinces in Canada with a view to co-ordinating publication of law reports.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTE—Mr. Strauss

Your Committee met on Thursday, the 13th of November, 1969, the following members being present: Mr. Strauss, Chairman, and Messrs. Fennell, Henderson, Lochead, Steele and Williston.

Your Committee considered the opinions of Counsel in respect of two files referred to him on Notaries Public. In both cases, it was Counsel's opinion that there was insufficient evidence to institute proceedings under The Solicitors Act. In the case of one of the Notaries, Counsel advised that the success of a prosecution would depend on the evidence of the "clients" but that these persons were not disposed to cooperate with the Society.

Lucien Regnier (Notary Public) and
J. L. Cardinal (Commissioner for Oaths)

Proceedings were instituted last spring against the above-named in respect of their acting on real estate transactions. Judgment has now been handed down and convictions registered against both with sentence in each case being suspended.

The Society has now been served with a Notice of Appeal from Mr. Lucien Regnier.

A number of other routine matters were considered by your Committee and the appropriate instructions given to the Secretary.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. O'Driscoll

Your Committee met on Thursday, the 13th day of November, 1969, the following members being present: Mr. Henderson (Chairman) and Messrs. O'Driscoll (Vice-Chairman), Lochead and Pepper.

Christmas Cards and Prints

At its meeting in October your Committee recommended that Mrs. Schneider be paid $500 and that the Chairman and Secretary explore the printing and marketing of portfolios of prints. The payment has been made and the question of printing and marketing is again before the Committee.

Your Committee recommended that Mrs. Schneider be paid a further $500 in return for her acknowledgment that the copyright belongs to the Society.

Pamphlets

The cost of printing 1,000 copies of the brochure "Buying a Home? Why You Need a Lawyer" would be $166.00 plus tax. The supply is exhausted and the Committee is asked to approve re-printing.

Approved, subject to Mr. Strauss approving or revising the contents.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Beament

Your Committee met on Friday, the 24th day of October, 1969, the following members being present: Mr. G. E. Beament (in the Chair), Messrs. Bowlby, Caldbick, Levinter and O'Driscoll. W. R. Donkin, Deputy Area Director, York County, attended the meeting at the invitation of the Committee.

AMENDMENTS TO THE LEGAL AID REGULATION 257/69

Your Committee reviewed proposed amendments to the Legal Aid Regulation. Under Section III, a solicitor who is dissatisfied with a review made by the Legal Accounts Officer may appeal therefrom to the Taxing Officer. The Committee was of the opinion that the Regulation should be amended to provide for an appeal from the Taxing Master to a judge of the Supreme Court in Chambers in Toronto and the practice on the appeal should be the same as upon an appeal from an order made by the Master of the Supreme Court. The decision of the judge should be final.

G. E. Beament, Q.C., Chairman of the Sub-Committee, drafted amendments which were approved by the Programme Committee and then submitted to the Assistant Registrar of Regulations, T. F. Harcourt, solicitor. The proposed amendments were to Sections 109, 110, 115, 116, 117 and 118 of the Ontario Regulation 257/69.

SYNOPSIS OF MATERIAL DISCUSSED AT AREA DIRECTORS' MEETING, July 30-31, 1969 AND THE PROGRAMME COMMITTEE'S SUBSEQUENT DECISION ON POLICY

Questions reviewed by Area Directors at their meeting on July 30 and 31 were considered and opinions expressed by the Programme Committee on the policies which should be adopted.

In particular, the Programme Committee considered the taking of mortgages by the Law Society of Upper Canada to protect the Legal Aid Fund. The Committee was of the opinion that the ideal solution is by way of a statutory charge being placed on the client's title. Such a proceeding appears in The Old Age Pension Act, R.S.O. 1950, Chapter 258, and the present Bail Act, R.S.O. 1960, chapter 28. An amendment to The Legal Aid Act will be necessary. Section 41 of the Regulation will also have to be amended.

APPOINTMENT OF AREA DIRECTOR FOR GREY COUNTY

F. T. Egener, Area Director, Grey County, was recently appointed a Provincial Court Judge and as a result tendered his resignation to the Provincial Director. On the recommendation of the Grey County Law Association your Committee approved the appointment of James C. McCubbin, Q.C., as Area Director, effective January 1, 1970.

APPOINTMENT OF DEPUTY AREA DIRECTOR CARLETON COUNTY

On the recommendation of the Area Director, Carleton County, and the County of Carleton Law Association, your Committee approved the appointment of David Clancy as Deputy Area Director, Carleton County, commencing December 1, 1969.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of barrister-at-law was conferred upon them by the Treasurer:

RONALD GEORGE ATKEY	Special, Faculty of Law, Univ. of Western Ont.
MITCHELL HAROLD GROPPER	Special, Faculty of Law, Univ. of Western Ont.
FREDERICK JOHN EDWARD JORDAN	Special, Faculty of Law, Queen's University.
EDWARD FRANCIS RYAN	Special, Faculty of Law, Univ. of Western Ont.

SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW—Mr. Williston

Your Committee met on Thursday, the 13th day of November, 1969, the following members being present: Mr. Williston (Chairman), and Messrs. Fennell (Vice-Chairman), Henderson, Howland (Treasurer), Martin and Robins.

The Chairman read the following memorandum:

> "I have done considerable research into this question and have had a number of luncheon and other meetings with Dean LeDain and Dean Macdonald.
>
> There is undoubtedly a good deal of pressure for specialization — the obtaining of specialization certificates in a number of fields, for example:
>
> Labour Law
> Taxation
> (i) estate planning
> (ii) income and corporate

Bankruptcy
Admiralty
Matrimonial causes - domestic relations
Patents and trade marks
Administrative tribunals
Criminal law
Expropriation
Counsel work

In addition to these, there is the question whether persons who carry on a general practice have the right to a certificate as a general practitioner.

"To set up such a scheme, three things are, in my opinion, essential:

1. In each category there must be grand-daddies.
2. The universities must be willing to set up post-graduate studies. (Dean LeDain has suggested that perhaps the universities could get together and set up one post-graduate school.)
3. Those who have obtained specialization certificates must be willing:
    - (a) to assist in the post-graduate studies at the university by lecturing and demonstrating,
    - (b) to take on as under-studies those who have completed their post-graduate studies.

"In my opinion, to get a certificate, it is absolutely essential that the lawyer:

- (a) do post-graduate work at a university,
- (b) work for a specified length of time under the guidance of an established specialist.

There are a number of questions to be decided:

Can a specialist do any other kind of work?
Can he specialize in more than one field?
Can he be in partnership with a non-specialist or a specialist in another field?

"I recommend that we hold a dinner meeting at which we invite the Deans of the law schools to attend together with us to discuss the whole problem. At this meeting we should have a representative of the Canadian Bar Association. I would propose at such a meeting that a joint committee be set up to hear briefs and recommendations from interested persons both in and out of the profession."

The Committee generally agreed with the proposals set forth in the memorandum and arrangements are being made for the dinner meeting to take place on December 4th or 11th after the Meeting of Deans which is arranged annually through the Legal Education Committee.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. MacKinnon

IN THE MATTER OF THE LAW SOCIETY ACT: AND IN THE MATTER OF GERARD MICHAEL KENNEDY OF THE CITY OF HAMILTON, A BARRISTER AND SOLICITOR.

As a result of information brought to the Society's attention, the Society's Accountants were instructed to make an inspection of the Solicitor's books. As a result of this inspection, the following Notice of Complaint was issued against the Solicitor returnable before your Committee on 8th April 1969:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:

1. contrary to Rule 1 of the Rules Respecting Accounts, failed to deposit forthwith into a trust bank account sums totalling approximately $6,000 more or less and received in trust from a client during the period from about January 15th 1968 to about February 8th 1968;
2. contrary to Rule 3 of the Rules Respecting Accounts, during the period from about November 22nd 1963 to about January 31st 1968, have drawn monies totalling approximately $35,000 from your trust bank account other than monies properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;
3. contrary to Rule 6 of the Rules Respecting Accounts, during the period from about January 1st 1964 to the date hereof, have failed to maintain at all times sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds and in particular on September 30th 1968 had a deficiency in the said account of approximately $86,000.
4. contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed during the period from about January 1st 1964 to the date hereof to maintain proper books of account as required by those Rules."

The Solicitor attended on the scheduled date with counsel and requested an adjournment which was granted to Monday, 2nd June 1969. A further adjournment was subsequently granted to 19th June 1969. The hearing commenced on this date, continued on 26th June, 28th and 29th August and concluded on Monday, 8th September 1969. Your Committee on this hearing consisted of Messrs. Ford (Chairman), H. E. Harris, MacKinnon and Thom. Mr. Williston sat on the first two days but was unable to continue and took no part in the deliberations of the Committee. Mr. J. J. Carthy attended as counsel for the Society and Mr. D. F. McDonald, Q.C. attended as counsel for the Solicitor.

On the basis of its findings, your Committee recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. MacKinnon, seconded by Mr. Thom that the Report be adopted.

The Solicitor attended with his counsel, Mr. M. J. Moriarity, Q.C., Mr. J. J. Carthy attending for the Society.

Mr. Moriarity indicated that he would ask that the solicitor be allowed to resign his membership in the Society upon condition that he never apply for reinstatement, and asked Convocation to hear two witnesses who would testify that they would assist the solicitor to obtain employment outside the field of law.

The solicitor and counsel retired and these submissions were considered by Convocation.

The solicitor and counsel returned and Mr. Moriarity summarized the statements his witnesses would make, namely that Mr. Morris Leibtag and His Honour Provincial Judge Marck would assist the solicitor to find employment outside the law, and are of the opinion that the remuneration he might earn would be substantially lower if he were disbarred rather than allowed to resign.

Mr. Moriarity then made submissions on behalf of the solicitor.

Mr. Carthy made no submissions.

The solicitor and his counsel retired.

Moved by Mr. Bowlby, seconded by Mr. Goodman, that the Report be amended to substitute for the recommended penalty a recommendation that the solicitor be allowed to resign his membership in the Society upon undertaking that he will never apply to be reinstated. *Lost.*

THE REPORT WAS ADOPTED.

IT WAS ACCORDINGLY ORDERED

1. THAT the Report of the Discipline Committee in the matter of GERARD MICHAEL KENNEDY, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said GERARD MICHAEL KENNEDY guilty of professional misconduct in respect of the charges dealt with by the said REPORT.
3. THAT the said GERARD MICHAEL KENNEDY be disbarred.
4. THAT the said GERARD MICHAEL KENNEDY is unworthy to practise as a Solicitor.

Messrs. Estey, McCulloch and McLaughlin took no part in the discussion and did not vote.

CONVOCATION ADJOURNED FOR LUNCH AT 12:30 P.M.

The Treasurer and Benchers had as their special guests at luncheon The Honourable W. Ross Macdonald, Q.C., Lieutenant-Governor of Ontario and Mr. M. A. Seymour, Q.C., a Bencher of the Society, when they were presented with their Honorary Life Certificates.

CONVOCATION RESUMED at 2:30 p.m., the following members being present: The Treasurer and Messrs. Beament, Bowlby, Callon, Cass, Chappell, Clement, Estey, Evans, Fennell, Ford, Gray, H. E. Harris, W. E. Harris, Lochead, MacKinnon, O'Brien, O'Driscoll, Raney, Seymour, Sheard, Slemin, Steele and Thom.

LEGISLATION AND RULES COMMITTEE—Mr. Sheard

Your Committee met on Wednesday, the 19th day of November, 1969 at 2:00 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson (Chairman) and Messrs. Howland (Treasurer), Robins and Sheard.

Your Committee considered draft Rules to govern the Annual General Meeting of the Society and recommends that the present Rule 31-A be repealed and replaced by the following:

(1) There shall be a General Meeting of the Society in each year to be held at such place and time as the Benchers in Convocation determine to consider the following matters:

(1) Minutes of previous annual meetings.

(2) Report on the work of the Society and its Committees.

(3) Reports of Standing Committees of the Society.

(4) Presentation of Financial Statement.

(5) Matters of professional interest.

(2) The Treasurer shall preside at such General Meeting and shall present a report of the Society's activities since the last Annual General Meeting.

(3) One hundred members in good standing of the Society shall constitute a quorum at the Annual General Meeting of the Society.

(4) Preliminary notice of an Annual General Meeting of the Society shall be given by publication in the Ontario Reports at least ten weeks before the date of the Annual General Meeting. Within thirty days of publication of the preliminary notice of the Annual General Meeting of the Society written notice must be given to the Secretary of any motions to be made at the Annual General Meeting and must be signed by at least ten members in good standing of the Society. Formal notice of an Annual General Meeting shall be given by publication in the Ontario Reports at least one month before the date of the Meeting and shall include notice of motions to be made at the meeting.

(5) (1) Any resolution of which written notice has been given under Rule 4 passed at any Annual General Meeting of the Society shall be considered by the Benchers within six months of the Annual General Meeting but is not binding on the Benchers.

(2) If such a resolution passed at the Annual General Meeting of the Society is not implemented by the Benchers within six months of the Annual General Meeting, then, upon the filing with the Secretary of a petition signed by at least one hundred members in good standing of the Society requesting the Benchers to do so, the Benchers shall cause a mail vote on the resolution to be taken of all mem-

> bers in good standing of the Society and if at least two-thirds of those voting vote in favour of the resolution the Benchers shall implement the resolution to the extent that they are by law able to do so."

If the next Annual General Meeting of the Society is to be held at the time of the Mid-Winter Meeting of the Ontario Branch of the Canadian Bar Association on the 7th of February, 1970 there is insufficient time in which to comply with the times for notice set out in the above Rule. Your Committee, therefore, also recommends that the Treasurer be empowered to determine the times of the notices to be given of the next Annual General Meeting of the Society observing as far as possible the intention of the above Rule.

THE REPORT WAS ADOPTED.

RE: ANNUAL MEETING

Moved by Mr. Beament, seconded by Mr. Cass, that the Annual General Meeting of the Society be held in Toronto on Saturday, February 7, 1970 at the Royal York Hotel, beginning at 2:00 p.m. *Carried*

SPECIAL COMMITTEE ON LAWYER REFERRAL SERVICE—Mr. Estey

Your Committee met on Thursday, the 13th day of November, 1969, the following members being present: Mr. Estey (Chairman) and Messrs. Fennell (Vice-Chairman), Howland (Treasurer), MacKinnon, Martin and Strauss.

All of the Committee members present had attended the meeting on November 7th with the Presidents of the County and District Law Associations and recalled the discussion of this subject which took place then when the majority of those present favoured a Referral System being tried as a pilot project in Toronto.

Your Committee recommends that the drafting of a specific plan be referred to the Chairman and Secretary for consideration by the Committee.

THE REPORT WAS ADOPTED.

MEETING OF REPRESENTATIVES OF COUNTY AND DISTRICT LAW ASSOCIATIONS—Mr. Thom

Minutes of a Meeting held at Osgoode Hall on November 7th, 1969 beginning at 9:30 a.m.

There were present the following representatives of the County and District Law Associations:

Gerald E. Nori, Algoma Law Association.
James G. Leslie, Brant Law Association.
J. Donald Waechter, Bruce Law Association.
T. P. Metrick, Carleton Law Association.
J. J. Wardlaw, Dufferin Law Association.
Murray Hennessey, Elgin Law Association.
Bernard Cohn, Essex Law Association.
J. A. Black, Frontenac Law Association.
Frank Brown, Haldimand Law Association.
E. D. Hickey, Hamilton Law Association.
W. M. Prest, Huron Law Association.
D. L. Swancar, Kenora Law Association.
K. E. Hansen, Kent Law Association.
A. L. Eddy, Lambton Law Association.
N. D. Dixon, Lanark Law Association.
R. M. MacFarlane, Leeds & Grenville Law Association.
B. W. Young, Lennox & Addington Law Association.
J. Trevor Morgan, Lincoln Law Association.
W. R. Buchner, Middlesex Law Association.
Norman J. Nadeau, Nipissing Law Association.
J. E. Tisdale, Norfolk Law Association.
J. P. Funnell, Northumberland & Durham Law Association.
Thomas H. Greer, Ontario Law Association.
J. R. Farlow, Oxford Law Association.
Wm. H. Green, Parry Sound Law Association.
Michael E. Weir, Peel Law Association.
D. A. Bell, Perth Law Association.
John Gillespie, Peterborough Law Association.
H. J. Bradley, Renfrew Law Association.
C. J. Seagram, Simcoe Law Association.
G. A. Stiles, Stormont, Dundas & Glengarry Law Ass'n.
Robert E. Maranger, Sudbury Law Association.
Frederick J. Parry, Temiskaming Law Association.
Victor L. Maloney, Thunder Bay Law Association.
J. W. Lieberman, Waterloo Law Association.
A. A. MacBain, Welland Law Association.
P. J. Morris, Wellington Law Association.
T. S. Mills, York Law Association.

The following representatives of the Deans of the approved law schools of Ontario:

Professor H. A. Hubbard, Faculty of Law, University of Ottawa.

Dean R. St. J. Macdonald, Faculty of Law, University of Toronto.

The following representatives of the Ontario Branch of the Canadian Bar Association:

W. L. N. Somerville

R. A. Stradiotto.

The following representatives of the student members of the Society:

John Kneale.

Stephen Malach.

And the following Chairmen and Vice-Chairmen of Standing Committees:

W. G. C. Howland, Treasurer; G. E. Beament, T. P. Callon, W. Z. Estey, F. J. L. Evans, S. E. Fennell, G. W. Ford, B. J. MacKinnon, G. A. Martin, J. G. J. O'Driscoll, P. B. C. Pepper, S. L. Robins, Terence Sheard, Nathan Strauss, Stuart Thom.

1. CONTINUING EDUCATION

Mr. Robins told the meeting that the next regular Continuing Education lectures will be on the subject of "Recent Developments in Real Estate Law" and will be held on Friday and Saturday, March 13th and 14th and Friday and Saturday, March 20th and 21st, 1970, and that plans are being made to expand the individual programmes on specific topics.

The meeting generally favoured the steps the Legal Education Committee is taking and felt that a closer relationship should be sought between the academic side of the profession and the practising Bar. It was suggested that this could be done through workshop sessions with demonstrations.

2. ERRORS AND OMISSIONS INSURANCE

Mr. MacKinnon reviewed the development of the problem resulting from the unwillingness of insurers to write policies at reasonable premiums in Ontario. He described the work of the Special Committee leading to the proposal set forth in the Committee's report to Convocation of the 15th of October 1969. The meeting considered the question of Errors and Omissions Insurance to be the most important matter on the meeting's agenda and after a lengthy discussion in which many details were explored, it was clear that the majority favoured proceeding along the lines recommended by the Committee for five years or less, if possible, and thereafter to be self-insured. The majority also favoured the deductible being $2,000.

3. ANNUAL MEETING OF THE LAW SOCIETY

All but one of those present favoured the Society's Annual Meeting being at the same time and at the same place as the Mid-Winter Meeting of the Canadian Bar Association and the majority favoured the meeting being held on Friday afternoon rather than Saturday. It was generally agreed that eight weeks' notice would suffice to enable those wishing to give Notice of Motion to do so and to include Notices of Motion in the formal notice of the Annual Meeting. The meeting favoured a quorum of one hundred and generally agreed that the effect to be given resolutions passed by the Annual Meeting should be determined along the lines indicated in the Alberta Legislation except that one hundred signatures would be needed on any petition.

4. INTEREST ON TRUST ACCOUNTS

Mr. Arnup reviewed the background of the recent Rule against lawyers retaining the interest earned by mixed trust accounts without the specific authority of their clients and also referred to recent correspondence on the subject which showed an increasing interest among the profession in seeking legislation to enable the interest to be garnered for some good purpose. After a general discussion in which a number of divergent views were expressed, the great majority of those present favoured some scheme for utilizing the interest earned by mixed trust accounts. Most thought that participation in any scheme should be voluntary and even more would like the benefits to extend to include the Compensation Fund and Errors and Omissions Insurance as well as other areas.

5. LAWYER REFERRAL SERVICE

Mr. Estey referred to the system being tried in British Columbia and outlined some of the difficulties involved before the matter was discussed generally. No very strong views were expressed and the matter was left to be tried as an experiment in York County as the Committee and Convocation should see fit.

6. LEGAL AID

Mr. Callon referred to Mr. Arthur Martin's memorandum respecting a sub-division of the Legal Aid panels and Mr. Martin outlined the thinking which had led to his writing the memorandum, pointing out the need for sub-panels to be available to those who find it very difficult to select a lawyer qualified for their particular problems. After discussion the meeting generally agreed that the Society should proceed along the lines indicated by Mr. Martin's memorandum.

7. RULE 6 RESPECTING ACCOUNTS

Mr. Evans explained the necessity for Rule 6 and that a failure to observe it involved the use of the funds of some clients for the benefit of other clients. Many expressed the view that it was often virtually impossible to close real estate transactions without contravening the Rule and urged that some amendment be made. Reference was made to a Resolution of the County of Peel Law Association suggesting that it be deemed a proper compliance with the Rule if a solicitor has in his control cash, money on deposit or certified cheques payable to him or certified cheques drawn by him on his trust account and in his possession and control, but not delivered in total sufficient to meet all his obligations with respect to funds held in trust for clients. All but one of those present supported Peel County's Resolution.

8. SHORTAGE OF LAWYERS

The matter was discussed only very briefly and no area reported a shortage of lawyers.

At the conclusion of the regular agenda the backlog of cases not dealt with by the Courts was referred to and it was suggested that District and County Court Judges should be empowered to try divorce cases and thus ease the load on the Supreme Court. All agreed that the jurisdiction of the County Courts should be widened to include this area on an optional basis.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON WHITE PAPER ON TAXATION

Moved by Mr. Estey, seconded by Mr. O'Driscoll, that the Treasurer be authorized to appoint a Special Committee to consider and make recommendations to Convocation respecting the proposal contained in the White Paper on Taxation that income be reported on an accrual rather than a cash basis, and that the Committee have power to retain Woods, Gordon & Company and the Society's auditors, if necessary, for advice and assistance. *Carried*

The Treasurer appointed the following Special Committee: Messrs. Thom, Chairman, and Estey, Henderson and Steele.

SPECIAL COMMITTEE ON INCORPORATION OF LAW PRACTICES

Moved by Mr. Cass, seconded by Mr. H. E. Harris, that the Special Committee on Incorporation of Law Practices be re-appointed to consider the effect of the proposals contained in the White Paper on Taxation. *Carried*

RULES COMMITTEE

Moved by Mr. Fennell, seconded by Mr. Gray, that Mr. B. J. MacKinnon, Q.C., be appointed the Society's representative on the Rules Committee replacing Mr. G. D. Watson, Q.C., deceased. *Carried*

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 16th day of January, 1970.

W. G. C. HOWLAND,
Treasurer

MINUTES OF SPECIAL CONVOCATION

Wednesday, 10th December 1969
10:30 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Bowlby, Callon, Chitty, Evans, Ford, Goodman, Gray, H. E. Harris, Levinter, Martin, McCulloch, MacKinnon, Pattillo, Raney, Robins, Sheard, Slemin, Steele, Strauss and R. F. Wilson.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF GORDON STUART NISBET OF THE CITY OF WINDSOR, A BARRISTER AND SOLICITOR.

The solicitor failed to reply to letters from the Law Society in connection with a complaint and failed to carry out an undertaking given to the Discipline Committee at a previous hearing. As a result, Notice of Complaint was served upon the solicitor, returnable before your Committee on November 9th, 1968. It contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that:
>
> 1. You have failed to reply to letters from the Law Society of Upper Canada in connection with a complaint against your professional conduct;
> 2. You appeared before the Discipline Committee on the 8th of January 1968 with respect to a Notice of Complaint dated November 28th 1967 of which the following was one of the specific complaints:
>
>   > 'you failed to carry out the instructions of one Jack L. Wright, Executor of the Estate of Thomas Clifford Wright to act as solicitor for the said Estate and to perform whatever functions were necessary in connection therewith'
>
>   and you gave your undertaking to the Committee on that day that you would forthwith complete the matter and report to the Society and you have failed to do so."

At the solicitor's request, the matter was adjourned to November 22nd, 1968, at 11:00 o'clock in the forenoon. Your Committee met at the appointed time, composed of Mr. Nathan Strauss, Chairman, and Messrs. McCulloch and McLaughlin. The solicitor attended without counsel. The matter was adjourned *sine die* and resumed on April 3rd, 1969. On that day your Committee was composed of Mr. Strauss, Chairman, and Messrs. Chappell and McCulloch. The solicitor did not appear but sent a telegram to say that Court appearances prevented him from attending.

The hearing in respect of this Notice of Complaint respecting the Wright Estate resumed on July 23rd, 1969, your Committee being composed of Mr. Strauss, Chairman, and Messrs. Chappell and McCulloch. The solicitor attended without counsel and confirmed that he had no objection to the Committee being differently constituted from November 22nd, 1968.

A second Notice of Complaint was served upon the solicitor dated July 15th, 1969, and also returnable before your Committee on July 23rd, 1969, as the result of his failure to reply to Law Society letters with respect to complaints received by the Society from two of his clients. It contained the following specific complaint:

> "Take Notice that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that:
>
> 1. You have failed to reply to letters from the Law Society of Upper Canada in connection with complaints against your professional conduct."

Your Committee noted that there were no trust funds involved in these matters.

Your Committee finds all the specific complaints to be established, and the majority of your Committee recommend that the solicitor be reprimanded in Convocation, that the fact of his reprimand be published with the publication of his name and that he be required to pay the costs of the Society's investigation.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted. The solicitor attended before Convocation without counsel and was advised that the Report had been read.

The solicitor addressed Convocation, and retired.

THE REPORT WAS ADOPTED.

The solicitor returned and was reprimanded by the Treasurer.

GENERAL REPORT—Mr. Evans

Your Committee met on Wednesday the 10th day of December, 1969, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Bowlby, Gray, H. E. Harris, Levinter, Martin, Pattillo, Steele and Strauss.

Your Committee had before it the Report of the Sub-Committee on the question of the obligation of the Law Society to report to the Crown Any Suspected Criminal Acts by Members of the Profession. The Report, as annexed hereto, was adopted.

Report of Sub-Committee on the Question of the Obligation of the Law Society to Report to the Crown Any Suspected Criminal Acts by Members of the Profession.

Your Sub-Committee met on Monday, December 8th, 1969, at 2:00 p.m. Present were B. J. MacKinnon, Chairman, and Messrs. Martin, Henderson, Cass and Bowlby.

Extracts from Minutes of Convocation for March 19th, 1936, and of the Discipline Committee report of October 16th, 1959, adopted by Convocation November 20th, 1959, were read. (The extracts are attached to this report.) The Secretary summarized for the Committee his experience with the resolution of 1959 and after discussion: your Sub-Committee recommends that the Resolution of October 16th, 1959, adopted by Convocation November 20th, 1959, be re-stated and reaffirmed in its original form by the Discipline Committee.

The Sub-Committee realizes that there is a very special problem with relation to the Legal Aid Plan and a very direct interest in its operation by the Attorney-General. Accordingly, the Sub-Committee approves and recommends the following resolution for consideration by the Discipline Committee:

> "That Convocation authorizes the Legal Aid Programme Committee to inform the Attorney-General of facts in relation to the Legal Aid Plan, which have come to the attention of the Committee, indicating that a criminal offence may have been committed or attempted."

EXTRACT FROM MINUTES OF CONVOCATION

19th March, 1936

> "ON MOTION it was ordered as follows:—
>
> That in the opinion of Convocation it would be injurious to the work of Convocation and its Discipline Committee in investigating charges of professional misconduct or of conduct unbecoming a barrister, solicitor or student-at-law, if evidence or proceedings before Convocation or the Discipline Committee were made use of in civil or criminal proceedings. The Secretary is therefore directed to refuse to furnish copies of evidence taken before Convocation or the Committee to persons desiring the same for use other than by Convocation or the Committee. The Secretary is also directed, in case he should be asked to produce such evidence or disclose such proceedings before any Court, to place before the Court the request of Convocation that such production or disclosure should not be permitted."

Excerpts from the Discipline Committee Report of October 16, 1959, which was adopted by Convocation November 20, 1959.

"At the meeting of Convocation on the 19th March 1936 the Chairman read a letter from a Toronto Barrister with reference to the use in civil proceedings of copies of evidence taken before the Discipline Committee. Convocation forthwith passed a resolution to the effect that such evidence and proceedings should not be made use of in civil or criminal proceedings.

On several occasions recently your Committee has found it necessary to give consideration to the resolution referred to, and on one occasion the Secretary was subpoenaed to appear before the Taxing Officer and produce the correspondence in connection with a complaint against the professional conduct of a Barrister and Solicitor.

Your Committee is of the opinion that the resolution should be broadened and strengthened, and therefore recommends that the resolution of 1936 be repealed and the following adopted:

> "That in the opinion of Convocation it would be injurious to the work of Convocation and its Discipline Committee in investigating charges of professional misconduct or of conduct unbecoming a barrister, solicitor or student-at-law if correspondence with reference to complaints against the professional conduct of members, or correspondence, evidence, exhibits which are the property of the Society or were prepared for or on instructions of the Committee, or proceedings before Convocation or the Discipline Committee were made use of in civil or criminal proceedings. The Secretary is therefore directed to refuse to furnish the originals or copies of any such material to persons desiring it for use other than by Convocation or the Discipline Committee.
>
> The Secretary is also directed, in case he should be asked to produce such material or disclose such proceedings before any Court, to place before the court the request of Convocation that such production or disclosure should not be permitted; provided that the Discipline Committee in its discretion may produce such material or disclose such proceedings to officers of the Crown."

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY NSURANCE—Mr. Pattillo

Your Committee met on the 8th of December, 1969, the following members being present: A. S. Pattillo, Chairman, and Messrs. MacKinnon and R. F. Wilson and the Treasurer. Mr. Peter Armour attended at the Chairman's invitation

Mr. Armour reported that he had gone back to four of the major insurance companies to see whether they would quote on a fixed price basis on primary insurance, but none was interested in doing so in the absence of evidence of loss experience.

Mr. Armour suggested that the Society circulate a questionnaire among the profession to obtain information of loss experience in Ontario as was done in Alberta, where this information was used by the insurance company to arrive at a firm premium figure.

Your Committee, therefore, recommends that a questionnaire be drafted and circulated among the profession in Ontario to show so far as possible loss experience, including both paid out figures and outstanding claims.

Your Committee recommends that the drafting of a suitable questionnaire and covering letter for circulation be referred with power to act to the Treasurer and the Committee.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF WILLIAM DESIMONE OF THE CITY OF PORT ARTHUR, A BARRISTER AND SOLICITOR.

As a result of unscheduled examinations conducted by the Society's auditors of all the lawyers in the Port Arthur area, Messrs. Clarkson, Gordon & Co. were instructed to examine the solicitor's books and records. Based on their report dated October 30th, 1969, Notice of Complaint was served upon the solicitor. It contained the following specific complaint:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> > Contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times, and particularly on or about the 22nd day of October 1969, sufficient

> money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds."

The hearing was fixed for 2:30 o'clock in the afternoon of November 10th, 1969, when the following members composed your Committee: Mr. W. Gibson Gray, Chairman, and Messrs. McCulloch, McLaughlin and O'Driscoll. The matter continued on November 25th, 1969, at 10:00 o'clock in the forenoon, when your Committee was composed of Messrs. Gray, McCulloch and McLaughlin. The solicitor attended on both days with his counsel, Mr. Claude R. Thomson.

The Committee noted that the solicitor derived no personal benefit from any of the transactions.

Upon the evidence before it, your Committee finds the specific complaint to be established and recommends that the solicitor be reprimanded in Convocation, that the fact of his reprimand be published with the publication of his name and that he be required to pay the costs of the Society's investigation and that his undertaking to file quarterly audited statements with the Society for one year be accepted. Mr. O'Driscoll, not being present on the 25th of November, took no part in your Committee's deliberations.

Moved by Mr. Evans, seconded by Mr. Gray that the Report be adopted.

The solicitor attended with his counsel, Mr. Claude R. Thomson. Mr. Thomson advised that he is satisfied with the Report, but requested that it be not published. The solicitor confirmed the undertaking in the Report to file quarterly audited statements.

The solicitor and his counsel retired.

Moved by Mr. Bowlby, seconded by Mr. Pattillo, that the recommendation of the Committee be amended to delete publication.

The motion was lost. The Report was adopted.

The solicitor returned and was reprimanded by the Treasurer.

Mr. Callon and Mr. MacKinnon withdrew, took no part in the discussion and did not vote.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 16th day of January, 1970.

"W. G. C. HOWLAND",
Treasurer.

MINUTES OF SPECIAL CONVOCATION

Tuesday, 6th January 1970
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Bowlby, Callon, Cass, Chappell, Common, Dubin, Estey, Evans, Ford, Gray, H. E. Harris, Henderson, Lochead, McCulloch, MacKinnon, Pepper, Sheard, Slemin, Steele, Strauss and Thom.

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Friday, the 19th day of December, 1969, the following members being present: The Treasurer, W. G. C. Howland, Chairman, and Messrs. Common, Robins, and Sheard. Mr. Heeney attended at the Chairman's invitation.

1. *Discipline Committee Room*

Mr. Heeney reported that the cost of removing the two pillars has been re-estimated at $7,000 instead of the original $12,000 to $15,000. Your Committee viewed the room again and considered that removing the pillars would make the room more flexible in its uses and that if the pillars are to be removed it would be as well to remove them now, since to do so later would involve at least a six-week interruption in the use of the room, and patching the carpet. On balance your Committee considers that it is desirable to remove the pillars now and has so instructed the Architect.

2. On the main floor in the Bar Admission Course wing, outside the main classroom, is a bulletin board which is to be removed. The walls are presently covered with fabrilite and patching the place whence the bulletin board was taken would be difficult. Also, the fabrilite is in poor condition. Mr. Heeney has suggested, and your Committee recommends, that in March, after the present contractors have finished their work, the bulletin board and the fabrilite be removed and the area painted as part of the general maintenance programme.

3. *Reception Area*

Mr. Heeney reported that about $3,000 is needed to provide panelling for the new reception area in the Law Society's offices but said that he would, if possible, obtain mahogany panelling which would be somewhat less expensive. He asked, however, that $3,000 be made available for panelling and your Committee so recommends.

4. Mr. Heeney asked approval of two expenditures, one of $400 for additional valance boxes in staff offices and another $400 to remove venetian blind brackets and refinish the woodwork. Your Committee approved these expenditures.

5. *Flambeaux*

The Treasurer reported that he had viewed the additional two flambeaux which were erected temporarily and discussed the matter with Mr. Jackson, the Society's interior designer, who favours mounting two flambeaux on either side of Convocation Hall, two on the north wall and one on the south wall at the back of the gallery. Your Committee agreed to this and instructed Mr. Heeney to proceed.

6. *Book Elevator*

The Treasurer referred to correspondence between him and Mr. Creba ending with a letter from the Treasurer to Mr. Creba, dated the 6th November 1969 concerning the location of the book elevator planned for the west wing and also two minor alterations requested by the Society, such as wider doorways in certain basement rooms and the removal of the vaulted brick ceiling in certain cellar rooms to provide adequate head room.

Mr. Heeney produced plans showing these features and said that he considered the new location proposed for the book elevator would be satisfactory and your Committee recommends the plan be approved. The Government has approved the widening of the doors but has said they considered increasing the head room by removing the vaulted ceiling as unjustified expense. Mr. Heeney believes that it would cost only about $1,000 to remove those ceilings and that he would press to have the work done because it would greatly increase the usefulness of the rooms. Your Committee so recommends.

7. *Door to the North*

Your Committee has had under consideration for some time plans which include a doorway at ground level leading to the north, situated immediately west of the kitchen to the Benchers' Dining Room. When the Government's renovations are complete, this would form the only access to the building for those approaching from the Court House side. Your Committee approves the plan of the doorway (SK104) submitted by the Government, construction to be proceeded with when alterations in that area are undertaken, provided the Government agrees that no title passes from the Society with respect to the Society's property over which members of the profession and public would pass in using the door.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF THE LAW SOCIETY ACT;
AND IN THE MATTER OF GEORGE WILLIAM PASSI,
OF THE CITY OF SUDBURY, A BARRISTER AND SOLICITOR.

As a result of a complaint received an inspection was made of the Solicitor's books and the following Notice of Complaint was issued against the Solicitor returnable before your Committee on Wednesday, 19th November, 1969, at 10:00 a.m.

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. misappropriated $20,000.00, more or less, which you received from your client, Henry Morgan, in August 1964 to invest on his behalf;
> 2. contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain or cause to be maintained at all times, and particularly in the month of June 1968, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds;
> 3. while acting as Executor, Trustee and Solicitor for the Estate of Josephine Hughes, did breach the trust reposed in you by pledging without authority Estate assets as security for personal loans".

Your Committee met at the appointed time, the following members being present: Messrs. Strauss (Chairman), Seymour and Goodman. Mr. W. J. Smith, Q.C., attended as Counsel for the Society. The Solicitor attended without counsel. The Solicitor acknowledged receipt of the Notice of Complaint and advised that he was prepared to proceed on this day.

In summary, on the evidence before it your Committee finds Complaints Nos. 1, 2 and 3 established and on the basis of its findings recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans, seconded by Mr. MacKinnon that he Report be adopted.

The solicitor attended with his counsel, Mr. Claude R. Thomson. Mr. W. J. Smith, Q.C., attended for the Society. Mr. Thomson addressed Convocation and requested that the solicitor be allowed to resign his membership in the Society. He asked to be allowed to read and file a psychiatric report. Mr. Smith made no objection to this and stated his understanding that the Report went rather to penalty than to the question of responsibility for the offences. Mr. Thomson agreed that this was the purpose of the Report.

The solicitor and counsel retired.

Convocation decided to receive the psychiatric report.

The solicitor and counsel returned and Mr. Thomson filed a letter addressed to himself written by G. M. Irvine, M.B., Ch.B., D.P.M. of Sudbury General Hospital dated the 30th December 1969. Having read the letter he continued with his submissions and asked that the solicitor be allowed to resign conditional upon his making restitution of moneys owing and payment to the Society of the cost of its investigation, and giving undertakings acceptable to the Society that he would not practice until his resignation be accepted. Mr. Smith suggested that if the solicitor is to be allowed to resign, releases first be supplied from all who might apply to the Compensation Fund on the solicitor's account.

The solicitor and counsel retired.

The Report was discussed and adopted.

Messrs. McCulloch and Common took no part in the proceedings or in the discussion and did not vote.

Moved by Mr. Evans, seconded by Mr. MacKinnon

1. THAT the Report of the Discipline Committee in the matter of GEORGE WILLIAM PASSI, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said GEORGE WILLIAM PASSI guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said GEORGE WILLIAM PASSI be disbarred.
4. THAT the said GEORGE WILLIAM PASSI is unworthy to practise as a Solicitor. *Carried*

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF HAROLD JOSEPH MATTSON OF THE CITY OF KITCHENER, A BARRISTER AND SOLICITOR.

As a result of an investigation by the Office of the Director of Legal Aid, a Complaint was issued against the Solicitor charging him with rendering and submitting false accounts to the Legal Aid Office. The Complaint read as follows:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you did submit to the Legal Accounts Officer of the Ontario Legal Aid Plan accounts for professional services rendered by yourself which were false."

The particulars of the accounts complained about were contained in two Notices of Complaint, the first dated 10th July, 1969, and the second dated 8th August, 1969. The first Complaint was originally scheduled to be heard on 21st July, 1969, but as a result of the Solicitor's illness, an adjournment was granted to Monday, 18th August, 1969. Following the adjournment the second Notice of Complaint was issued and made returnable on the date to which the first had been adjourned, 18th August, 1969. The hearing commenced on that date, continued on Monday, 25th August, 1969 and concluded on Tuesday, 26th August, 1969. Your Committee on this hearing consisted of Messrs. Chappell (Chairman), Slemin, H. E. Harris and Estey.

The Report of your Committee dated 30th September, 1969, was presented to Convocation on 8th October, 1969. The Committee had found that the Solicitor knowingly filed false accounts with the Ontario Legal Aid Plan and recommended disbarment. Counsel for the Solicitor, Mr. W. J. Smith, Q.C., attended before Convocation on the appointed day and at his request the matter was referred back to the Committee to afford an opportunity for additional evidence to be presented.

The Committee constituted as before met for this purpose on Monday, 27th October, 1969, at 9:00 a.m. The Solicitor and his Counsel, Mr. W. J. Smith, Q.C., together with the Society's Counsel, Mr. David G. Humphrey, Q.C., all attended as before.

The Committee reported on November 13th, 1969, that it had carefully reviewed the additional evidence and could find no basis for changing any of its previous findings or its recommendation.

The Committee's Reports dated 30th September and 13th November, 1969, were presented to Convocation on 21st

November, 1969. The Solicitor attended on that day with Counsel, Mr. W. J. Smith, Q.C., and also Mr. Claude Thomson who had not heretofore appeared in the proceedings. After hearing the submissions made by Mr. Smith, Convocation decided that the matter should be referred back to the Committee to hear further evidence.

The Committee constituted as before met to hear further evidence on Saturday, 6th December, 1969, at 9:30 a.m. The Solicitor and his Counsel, Messrs. W. J. Smith, Q.C., and Claude Thomson, appeared together with the Society's Counsel, Mr. David Humphrey, Q.C.

The Solicitor adduced further evidence (including psychiatric evidence) in respect of his contention that he didn't know the accounts were false. The Committee also heard the evidence of Dr. Kenneth G. Gray, a psychiatrist who examined the Solicitor at the Society's request.

In all the circumstances, the Committee came to the conclusion that the Solicitor was aware of the details of the accounts prior to their final settlement by Legal Aid and that the Solicitor therefore knew the accounts were false. However, the psychiatric evidence indicated the existence of mitigating circumstances prevailing throughout part or all of the relevant period. The psychiatric testimony uniformly indicated that the Solicitor was probably suffering from a manic-depressive mental condition which while not absolving him from responsibility during the times involved in these charges could go to mitigation of penalty. For this reason and this reason alone the Committee altered its previous recommendation of disbarment to the extent of giving the Solicitor an opportunity to resign his membership in the Law Society.

It was moved by Mr. Evans, seconded by Mr. MacKinnon that the Report of the Discipline Committee dated September 30th, 1969, as varied by the Reports dated November 16th, 1969 and December 29th, 1969, be adopted.

The Solicitor attended with his Counsel, Mr. W. J. Smith, Q.C., and Mr. Claude R. Thomson. Mr. D. G. Humphrey, Q.C., attended for the Society. Mr. E. L. Schofield also attended.

Mr. Smith made submissions to convocation. He requested that the Solicitor be allowed to resign his membership in the Society. He submitted that the finding contained in the Report that the Solicitor knew the accounts were false, was not justified in the light of the medical evidence. He submitted further that, in the light of the Committee's recommendation, it was not necessary for Convocation to find as a fact that the Solicitor knew the accounts were false, was not justified in the light of the medical evidence. He submitted further that, in the light of the Committee's recommendation, it was not necessary for Convocation to find as a fact that the Solicitor knew the accounts were false. Mr. Smith asked simply that these submissions be recorded, and said that if the Solicitor were allowed to resign he would undertake in writing to resign as a Notary Public and not to work in a law office, but he reserved the right to apply to be re-admitted at some time in the future. The Solicitor told Convocation that he was ready to give these undertakings.

Mr. Smith was asked if he had any suggestions to make respecting the costs of the Society's investigations, and he asked to be allowed to confer briefly with his client.

The Solicitor and Counsel retired, and on their return Mr. Smith said that the Solicitor was willing to pay the costs amounting to $4,928.74, but asked that he be allowed a year in which to do so.

It was moved by Mr. Chappell, seconded by Mr. Estey, that the recommendation of the Committee be amended to provide that the Solicitor pay within one year the Society's costs in the amount of $4,928.74. *Carried*

The Reports as amended were adopted.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 16th day of January 1970.

W. G. C. HOWLAND
Treasurer.

MINUTES OF CONVOCATION

Friday, 16th January 1970
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Beament, Bowlby, Callon, Cass, Cassels, Dubin, Estey, Evans, Fennell, Ford, Gray, Henderson, Levinter, Lochead, McCulloch, MacKinnon, O'Brien, O'Driscoll, Pepper, Raney, Robins, Roebuck, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of November 21st and December 10th, 1969 and January 6th, 1970 were read and confirmed.

The Treasurer announced with deep regret the death of the Honourable Russell Williams Treleaven, Q.C., a Bencher of the Society.

The Treasurer reported to Convocation that he and the Secretary had attended before the Committee on University Affairs in December and had requested an operating grant for the Bar Admission Course and also a capital grant to cover the cost of the renovations to the Bar Admission Course Wing.

The Treasurer also reported on the matters discussed at the meeting of the Executive of the Conference of Governing Bodies held in Ottawa on January 10th and 11th, 1970.

The Treasurer drew attention to the fact that the profession in Ontario would be increasing by over one-third in the next five years and that there were 934 in the first year of the Ontario Law Schools as compared to some 450 in the teaching period of the present Bar Admission Course. It was extremely difficult to know whether the point might be reached where the supply of lawyers exceeded the demand. The situation might also be affected by the number of law clerks being trained by the Community Colleges. The Treasurer stated that he had discussed the matter with the Deans of the Ontario Law Schools in December. He asked the Planning Committee to consider whether there were any further steps which the Society should be taking.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 8th day of January, 1970, at 2:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Callon, Cass, Estey, Henderson, MacKinnon, Pattillo, Sheard, Slemin, Thom and Williston.

BAR ADMISSION COURSE FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Surrogate Court Practice

R. R. Anger, Esq., to be appointed an Instructor, in place of F. D. Baker, Esq., resigned.

D. F. Curtis, Esq., to be appointed an Instructor, in place of C. T. Grant, Esq., resigned.

I. C. Hart, Esq., Q.C., to be appointed an Instructor, in place of R. C. White, Esq., Q.C., who at his own request, should be appointed a Stand-by Instructor.

E. J. Isaac, Esq., Q.C., to be appointed an Instructor.

J. C. Lemire, Esq., to be appointed an Instructor.

A. C. Heakes, Esq., to be appointed a Stand-by Instructor, in place of E. O. King, Esq., Q.C., resigned.

Estate Planning

C. T. Grant, Esq., to be appointed a Special Lecturer in place of George Ovens, Esq., C.A., resigned.

F. D. Baker, Esq., to be appointed an Instructor, in place of Miss Kathleen M. Fitzpatrick, resigned.

E. J. Huycke, Esq., Q.C., to be appointed an Instructor in place of M. A. Goldberg, Esq., resigned.

R. E. Jarman, Esq., to be appointed an Instructor, in place of W. Y. Lefton, Esq., deceased.

C. B. Kates, Esq., to be appointed an Instructor in place of D. Melnick, Esq., resigned.

J. T. Robson, Esq., Q.C., to be appointed an Instructor in place of R. L. Sachter, Esq., resigned.

K. L. Saltzman, Esq., to be appointed an Instructor in place of M. A. Tikal, Esq., resigned.

B. A. Spiegel, Esq., to be appointed an Instructor.

M. G. Gross, Esq., to be appointed a Stand-by Instructor, in place of R. E. Jarman, Esq., promoted to Instructor.

T. W. Powers, Esq., to be appointed a Stand-by Instructor in place of C. B. Kates, Esq., promoted to Instructor.

T. A. Sweeney, Esq., to be appointed a Stand-by Instructor.
T. G. Hall, Esq., to be appointed a Special Instructor.
A. Hollinrake, Esq., to be appointed a Special Instructor.

Approved

BAR ADMISSION COURSE DIRECTOR

The Chairman informed the Committee that the Director has orally indicated his intention to submit his resignation and that a Sub-Committee should be appointed to recommend a successor to him as Director of the Bar Admission Course. The Committee agreed with regret and empowered the Chairman to appoint such a Committee.

The Chairman appointed himself as Chairman and Messrs. Gray, MacKinnon and Williston.

THE IVAN CLEVELAND RAND SCHOLARSHIP

Convocation in January, 1959, passed a motion by Mr. R. F. Wilson that subject to the permission of the then Mr. Justice Rand the Law Society create in his honour a new Scholarship at the Osgoode Hall Law School to be donated by the Law Society of Upper Canada in the sum of $100 a year to be awarded to the student who stands first in his examination on the subject of Constitutional Law. The award appeared in the Osgoode Hall Law School Calendar for 1968-69 and Dean LeDain advised the Society that it had been won by Mr. M. E. Reed of Don Mills, Ontario, and accordingly the Society's cheque payable to Mr. Reed was sent to Dean LeDain.

The future of this Scholarship was considered by the Committee.

Your Committee recommends that the Scholarship be continued.

CONTINUING EDUCATION LECTURES 1970

At its meeting on 9th October 1969, this Committee recommends that the subject for the Special Lectures in 1970 be "Recent Developments in Real Estate Law", and that the lectures be given on March 13th and 14th, and March 20th and 21st. The programme was considered.

Your Committee approved the programme and recommends that the registration fee be $25, that the Saturday luncheons be held as usual, that no honoraria be paid.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 8th of January 1970 at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Callon, MacKinnon, Robins, Sheard, Slemin and Williston.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Walter Surma Tarnopolsky — Special — Dean, Faculty of Law, University of Windsor, Fee $200. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Two candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as Students-at-Law in the Bar Admission Course, as of September 1, 1969. *Approved*

DIRECT TRANSFER FROM QUEBEC

Carl Rosen (B.Comm. degree McGill 1956; B.A. Sir George Williams College 1957; B.C.L. degree McGill University 1960) was called to the Bar of the Province of Quebec in June 1961, and has been in active practice in that Province to the present. He seeks to proceed under Regulation 5.

Approved

Henry Ballon Nevard (B.Sc. McGill University 1951; B.A. Sir George Williams University 1955; B.C.L. McGill University 1955) was called to the Bar of the Province of Quebec in 1956 and has been in active practice in that Province to the present. He seeks to proceed under Regulation 5.

Approved

COMMONWEALTH TRANSFER

Jesudasan Mitter's application to enter the Bar Admission Course was approved at the January 1968 meeting of the Committee under the then Regulation 11. Due to illness Mr. Mitter could not enter the September 1968 Bar Admission Course and his request to be permitted to enter the 1969 Bar

Admission Course was allowed. Mr. Mitter's visa did not arrive until too late for him to enter the September 1969 Course and his request to enter the 1970 course was submitted to the November 1969 meeting of the Committee for consideration. The Committee recommended he be required to write the examinations specified in Regulation 10(b).

In connection with the decision of the Committee Mr. Mitter has again written. In his opinion he is an approved candidate under Regulation 11 for entering the Bar Admission Course and does not come under the new Regulation 10(b). He asks that in view of his long standing of eleven years at the Madras Bar the Committee reconsider their decision and permit him to join the Bar Admission Course without requiring him to write the preliminary examination.

Your Committee recommends that he be required to pass the preliminary examination.

BAR ADMISSION COURSE — TEACHING PERIOD ONLY

Leonard Graholm (Bachelor of Applied Science University of British Columbia 1960; LL.B. University of Saskatchewan May 1965) was called to the Bar of the Province of Saskatchewan in September 1966, where he practised continuously to the end of December 1969. Mr. Graholm was seeking to proceed under Regulation 2.

Mr. Graholm asks permission to enter the teaching period of the Bar Admission Course in September 1971.

Approved

APPLICATION FOR RE-ADMISSION

Norval Close Norton. Mr. Norton was called to the Bar of Ontario on the 20th November 1941. During his years of practice he has been employed in the legal department of the Canadian Pacific Railway, stationed in Montreal, Winnipeg and Vancouver. He was Called to the Bar of Manitoba in 1951, and to the Bar of British Columbia in 1964. He remained a member of the Bar of Ontario until March 1967 when, on the recommendation of the Finance Committee he was allowed to resign his membership. He has remained a member in good standing of the Law Society of British Columbia, but has not retained his membership in the Law Society of Manitoba.

Mr. Norton has now returned to practice as Senior Counsel with the Canadian Transport Commission in Ottawa, and asks to be re-admitted to membership in the Law Society of Upper Canada.

Your Committee recommends that, subject to the approval of the Finance Committee, he be re-admitted.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law University of Toronto, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Frank Iacobucci, B.Comm., LL.B. *Approved*

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January 1970, is before the Committee. Two candidates sat the examination. The following candidate passed: John Francis Leman.

Approved

COMMONWEALTH EXAMINATIONS

Kanwar Rajendra Singh was approved by the Committee to proceed under Regulation 10(b) and being in Toronto sat the required examinations in December 1969 and has passed.

Approved

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 8th day of January 1970, the following members being present: Messrs. Sheard (Chairman), Fennell, Gray, Henderson, Levinter and Thom.

ACCOUNTS

The Secretary reports that from the 1st November to the 31st December 1969 accounts, including Library Accounts, properly approved, to the amount of $430,132.17 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July to 31st December 1969

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st December 1969. *Approved*

Rolls and Records

The Secretary reports —

(1) *Deaths*

That the following former members of the Law Society have died:

Harold M. Daly, Q.C., Ottawa (Honorary Life Member)	Called—20 June 1918; Deceased—January 1969.
Walter A. Kenzie, Toronto	Called—17 April 1952; Deceased—March 1969.
Archibald D. McDonald, Q.C., London	Called—17 June 1926; Deceased—13 Sept. 1969.
Daniel W. Lang, Q.C., Toronto (Honorary Life Member)	Called—20 November 1914; Deceased—26 Nov. 1969.
Allan F. Moore, Q.C., Ottawa	Called—17 June 1926; Deceased—4 Dec. 1969.
Arthur L. Smoke, Q.C., Toronto	Called—17 June 1920; Deceased—19 Dec. 1969.
Hugh E. Martin, Q.C., Toronto	Called—16 Sept. 1926; Deceased—20 Dec. 1969.
Gurston S. Allen, Q.C., Toronto	Called—17 January 1935; Deceased—27 Dec. 1969.
W. Averell S. Robinson, Q.C., Toronto	Called—20 June 1935; Deceased—1 January 1970.

(2) *Disbarments*

That the following former members of the Law Society have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Law Society:

Gerard M. Kennedy, Q.C., Hamilton. Called — 19th January 1950; Disbarred — Convocation, 21 November 1969.

George W. Passi, Sudbury. Called — 26th June 1958; Disbarred — Convocation, 6 January 1970. *Noted*

Resignations

Your Committee, having considered the material filed under the relevant Rule, recommends that the resignations of the following members be accepted:

Frederick Ashton Burgess, Q.C., Toronto
Robert Stanley Cameron, Collingwood
Clifford Richard Magone, Q.C., Toronto
Raymond Munro Myers, Q.C., Galt
Paterson Neil Thorsteinsson, Vancouver.

Margaret Mary Sullivan, Hamilton, was called to the Bar on the 17th October 1929. She retired from practice in August 1967 when she vacated her office. She does not wish to continue her membership in the Society.

Your Committee recommends that she be asked to file a declaration as required by the Rule Respecting Resignations.

FEES

A letter is before the Committee from His Honour Judge Lawrence S. Eckardt, Provincial Court of British Columbia, asking the Benchers to consider allowing him to retain his membership in the Society upon payment of a nominal fee.

Your Committee recommends that he be advised that under the present Rules nothing can be done.

Your Committee is faced repeatedly with requests from various members who are fully retired or engaged in some employment outside Ontario, that some form of membership be provided which would enable them to continue their membership at a reduced fee.

Your Committee recommends that Convocation appoint a special committee to consider this matter, and also the question of whether a fee should be charged those who are re-admitted to membership in the Society after their membership has been terminated by resignation or disbarment, and to make recommendations to Convocation.

APPLICATION FOR RE-ADMISSION — *Norval Close Norton*

Your Committee recommends that he be re-admitted upon payment of his arrears of fees, and fees for the current year.

CHANGE OF NAME — *Subba Rao Venkata Kanaparthy*

A petition is before the Committee from Subba Rao Venkata Kanaparthy seeking to have his name changed on the Society's rolls to "K. V. S. Rao". He now appears as above. It has been the Society's policy not to enrol members using simply their initials.

Your Committee recommends that his petition be refused.

INVESTMENTS

On the instructions of the Chairman of the Investment Committee the following Guaranteed Deposit Receipts for 31 days from the 12th December 1969 have been purchased:

Compensation Fund	$200,000 at 7½%
General Fund	$200,000 at 7½%

Approved

FEES — Provincial Judges — Section 29 of the draft Law Society Act.

Because the new Law Society Act has not yet become law, the question arises whether those who will be affected by section 29, but who are now paying fees to the Society, should be required to continue paying fees until the Act does come into force.

A letter is before the Committee from Senior Judge F. C. Hayes, President, The Provincial Judges Association, dated January 5, 1970 setting forth reasons why, in his opinion, Provincial Judges ought not to be required to pay fees.

Your Committee recommends that the matter be referred to counsel for an opinion.

THE REPORT WAS ADOPTED.

APPLICATIONS FOR RE-ADMISSION

George Arthur Marron, Owen Sound

The Chairman read a letter from the former solicitor dated 14th January 1970 applying for re-admission to membership in the Society.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the application be referred to the Discipline Committee for consideration and report. *Carried*

Louis Davidson, Toronto

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the matter be deferred to the February Convocation.

Carried

ORDERS

The Secretary presented the following Orders which are entered in the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF The Law Society Act

AND IN THE MATTER OF GERARD MICHAEL KENNEDY

a Barrister-at-Law and one of the Solicitors
of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the

Supreme Court of Ontario that the Benchers of the said Society did on the 21st day of November, 1969, disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor,

THEREFORE THIS COURT DOTH ORDER that the said GERARD MICHAEL KENNEDY be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 21st day of November, 1969.

"M. R. Elliott"
Assistant Registrar,
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 195
as Document No. 719
on Nov 21 1969 E.McB.

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF The Law Society Act

AND IN THE MATTER OF GEORGE WILLIAM PASSI,

a Barrister-at-Law and one of the Solicitors
of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 6th day of January, 1970, disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor,

THEREFORE THIS COURT DOTH ORDER that the said GEORGE WILLIAM PASSI be struck off the Rolls of Barristers and Solicitors of this Court.

DATED this 6th day of January, 1970.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 197
as Document No. 1104
on Jan 6 1970 J.G.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of barrister-at-law was conferred upon him by the Treasurer:

WALTER SURMA TARNOPOLSKY — Special, Dean,
Faculty of Law,
University of
Windsor.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Thursday, the 20th day of November, 1969, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Fairbairn and Lochead.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of September, 1969.

CONTROLLER'S REPORT

a) The Controller submitted a Summary of Applications for the six months ended September, 1969.

b) Your Committee approved a lease for the Welland County area office.

LEGAL ACCOUNTS OFFICER'S REPORT

The Controller submitted a report on the activity of the Legal Accounts Department for the month of October, 1969.

TELEX

The Law Society's Special Committee on Planning obtained a report from C.P. and C.N. Telecommunications on the uses and advantages of Telex with a view to using this service in the legal aid offices. The report was carefully studied by the Committee and it was recommended that no further action be taken at this time.

LEGAL AID CERTIFICATES

Section 54 of the Regulation reads:

> "54. (1) A certificate issued pursuant to this Regulation that has not been delivered to and accepted by a panel

> solicitor within thirty days of the date of its issue shall be deemed to have expired unless extended by the area director on the request of the applicant.
>
> (2) An extension shall be for thirty days from the date of the extension and shall be endorsed on the certificate and signed by the area director."

Your Committee reviewed a memorandum from the Controller in which he enquired if a solicitor could be paid for services rendered under a certificate which had been issued in March, 1969 and signed by the solicitor the following month and noted as "expired" in June, 1969, then was received by the Area Director in August, 1969.

The Committee was of the unanimous opinion that this solicitor's account should not be paid since the certificate was invalid. The Committee also noted the amendment to Section 53, sub-section (2) of the Regulation which reads:

> "(2) A solicitor who has received a certificate shall as soon as is possible, and in any event within ten days,
>
> (a) complete and sign the solicitor's acknowledgment and undertaking on the triplicate copy of the certificate and return it to the area director; or
>
> (b) if for any reason he is unable or unwilling to act, return the certificate forthwith to the client or to the area director as the circumstances require."

The Committee was of the opinion that Area Directors should consider the above sections as inflexible.

LAWYERS ANSWERING INQUIRIES FROM THE PLAN'S ADMINISTRATORS

The Committee was of the opinion that when a solicitor bills the Plan and fails to forward all the relevant material, he should be given a 15 day time limit to reply to the request for further information. If the solicitor ignores the request for further material, a reminder should be sent warning him that he has a 15 day extension. Upon the expiration of the 30 day period, the solicitor should be informed that his account is NIL. The Committee recommended that a notice to this effect be placed in the Ontario Reports.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 7th day of January, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Caldbick and Lochead.

Director's Report

a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of October, 1969.

b) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of November, 1969.

Controller's Report

a) The Controller submitted a Summary of Applications for the 7 months ended October 31st, 1969.

The number of formal applications (Forms 2 received) processed for the 7 month period ending October 31st, 1969 shows a decrease of 5,751 when compared to the same period in 1968. However, there is no indication that there is a falling-off in the number of persons applying for Legal Aid. The decrease would appear to be the result of a more thorough screening process on the part of Area Directors.

It is interesting to note that of the formal applications processed during the 7 month period 13.5% of them were refused legal aid certificates compared to an 8% refusal rate in the corresponding period last year.

The total number of persons assisted by Duty Counsel for the 7 month period ended October 31st, 1969 amounted to 44,329. This compares with an almost identical figure of 44,122 for the equivalent period in 1968. It would appear that the Duty Counsel activity has reached a constant level.

b) The Controller submitted a Summary of Applications for the 8 months ended November 30th, 1969.

Total certificates of eligibility during this 8 month period amounted to 27,536 or a decrease of 6,438 when compared to the corresponding 8 month period in 1968. The number of provisional certificates issued also shows a decrease of 995. These figures reflect the decreased number of formal applications processed in the area Legal Aid offices. Of all certificates of eligibility issued during the 8 month period ending November 30/69, some 13% of them carried repayment agreements from clients compared to a 19% contributing figure in 1968.

c) The Controller submitted recommendations as to the Writing-off of Balances Owing by Contributing Clients pursuant to Section 98 (2) of the Regulation which were approved.

d) The Controller submitted recommendations as to the Writing-off of Clients Recoveries pursuant to Section 98(2) of the Regulation which were approved.

LEGAL ACCOUNTS OFFICER'S REPORT

a) The Controller submitted a report on the activity of the Legal Accounts Department for the three months ended November 28th, 1969.

b) The Controller submitted a report on the activity of the Legal Accounts Department for the three months ended December 31st, 1969.

c) The Legal Accounts Officer submitted three reports for the months of October, November and December, 1969 with respect to reviews and appeals.

DISCIPLINE

Discipline Procedure when the Provincial Director becomes aware that a criminal offence may have been committed or attempted in relation to Legal Aid

Your Committee reviewed a memorandum which the Treasurer forwarded to the Deputy Attorney General, setting forth the procedure to be followed when the Director of Legal Aid becomes aware that a criminal offence may have been committed or attempted in relation to the Legal Aid Plan.

The Committee adopted the memorandum of procedure dated December 18th, 1969.

LIMITATION OF CERTIFICATES (CRIMINAL)

At the November meeting, applications from two solicitors for exemption from the limitation of 75 criminal legal aid certificates, were reviewed by the Committee.

The Committee instructed the Director to advise the Solicitors that it is the policy to waive this limitation only where it is in the public interest to do so and that representations from the solicitors to this effect would be accepted by the Committee at any time.

Applications for exemption from this limitation have been received from four additional solicitors.

Your Committee, after a careful review of all the correspondence, moved that the Director, before approving any application, request an opinion from the respective Area Directors.

COLLECTIONS

Your Committee reviewed a memorandum from the Collection Manager with respect to the collection of any sum which is a debt owing to the Law Society's Legal Aid Plan.

The Collection Manager therefore recommended to the Committee that the client who owes a debt make an assignment of the Judgment to The Law Society of Upper Canada which will enable the administrators of the Legal Aid Plan to instruct the appropriate Sheriff to enforce the collection. This practice is presently being used by the Ontario Department of Transport.

Your Committee recommends that the assignment of the judgment be made to The Law Society of Upper Canada in appropriate cases.

AMENDMENTS TO THE LEGAL AID REGULATION 257/69

Your Committee submits to Convocation for approval the proposed amendments to Sections 109, 110, 115, 116 and 117 dated December 22nd, 1969 as drafted by the Registrar of Regulations.

CORRESPONDENCE

a) Your Committee considered correspondence from F. J. Cornish, Q.C., Area Director, York County, requesting permission for an area director, where he feels a transcript would be helpful, to make the expenditure where the cost is under $100, without the approval of the Area Committee.

After full consideration, the Committee instructed the Director to advise the Area Director that the Committee feels it is necessary to maintain the same control as presently exists with respect to the ordering of transcripts.

b) Your Committee considered correspondence from F. J. Cornish, Q.C., Area Director, York County, enquiring whether it is proper for a solicitor to delegate services to another solicitor who is not a member of a Legal Aid Panel.

The Director was instructed to inform the Area Director that a solicitor accepting a legal aid certificate is responsible for all the substantial proceedings; if he has work done by a solicitor within the firm, that solicitor would not necessarily have to be a member of a Legal Aid Panel. However, if solicitors refer work to a lawyer in Ontario outside the firm, the lawyer should be on a Legal Aid Panel.

c) Your Committee considered correspondence from W. R. Donkin, Deputy Area Director, York County, requesting approval to investigate the establishment of a legal aid branch office in Newmarket.

The Director was instructed to inform the Deputy Area Director that the Committee grants permission to investigate the possibilities of establishing such a branch office and to report back to the Committee.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Carleton County

Joseph Poirier, Associate Executive Director, United Appeal of Ottawa, Ottawa

Captain Lewis G. Ashwell, Salvation Army Correctional Services, Ottawa.

Halton County

Paul C. Armstrong, Insurance Agent, Georgetown

Paul Denew, Executive Director, Oakville Family Service Bureau, Burlington.

The following resignations were noted:

Halton County

Ross Blaikie, Oakville

John T. Armstrong, Georgetown.

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 8th day of January 1970, at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Estey, Evans, Gray, MacKinnon, Slemin and Strauss.

A number of routine matters were considered by your Committee and the necessary instructions issued to the Secretary.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 8th of January, 1970, the following members being present: Messrs. Ford, Vice-Chairman, Cassels, Strauss, and Miss McCormick.

GREAT LIBRARY

ACCOUNTS:

Expenditures by the Great Library up to 31st December, 1969, were approved.

GIFTS AND DONATIONS:

Donations have been received from the following:

Mrs. W. W. McKeown — A total of 89 bound volumes from the library of her late husband — including texts, reports and statutes relating to Canadian law.

Mr. Charles S. M. Mortimer, Q.C. — Volumes and manuscripts relating to the history of the Street Family from the heirs of the Estate of the Honourable W. P. R. Street, Judge of the Trial Division of the Ontario Supreme Court.

Mr. Richard H. Neil, Q.C. — Volumes 2 and 3, 1890 and 1891, of *The Green Bag*, a periodical which is frequently used as a reference tool. *Noted*

BOOK LIST

A list of books purchased by the Chief Librarian in December 1969 was approved.

COUNTY LAW LIBRARIES

INSPECTIONS

The Chief Librarian has completed further inspections of County Law Libraries.

REPORTING

REPRINTS OF ONTARIO WEEKLY NOTES:

THE CARSWELL CO. LTD.

In November 1968, Convocation adopted this Committee's recommendation that the Society license the Carswell Company to reprint certain volumes of the Ontario Weekly Notes. The Carswell Company agreed at that time to pay to the Society a royalty of 5% of the gross revenues received on all reprinted statutes and volumes sold. For the information of Convocation, a cheque in the amount of $1,504.13 has now been received from the Carswell Co. Ltd., covering sales for the past year.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th of January 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Henderson and Lochead.

Proceedings under The Solicitors Act were recently instituted against a Collection Agency for having issued Writs out of the County Court. The matter came to trial on 12th December 1969 and a conviction was obtained. The presiding judge imposed a fine of $50.00.

A number of other routine matters were considered by your Committee and the appropriate instructions given to the Secretary.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW—Mr. Dubin

Your Committee met on Wednesday, the 14th day of January, 1970, the following members being present: Mr. Williston (Chairman) and Messrs. Dubin and Thom.

Your Committee recommends that it be dissolved and replaced by a joint Committee consisting of Mr. Williston as Chairman and Messrs. Dubin, Estey, Fennell, Gray, Henderson, G. A. Martin, Thom and three law teachers to be appointed by the Committee of the Law Deans of Ontario and one member of the profession to be appointed by the Vice-President, Ontario Branch, Canadian Bar Association, with power in the Treasurer to vary or add to the Committee in his discretion, to inquire into and report to Convocation on all aspects of specialization in the practice of law and for such purposes to have power to conduct surveys and to invite oral or written representations from such persons and organizations as the Committee deems appropriate, the expenses involved to be borne by the Society subject to the approval of the Finance Committee.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON INCORPORATION OF LAW PRACTICES—Mr. Fennell

Your Committee met on Thursday, the 8th day of January, 1970, the following members being present: Messrs. Fennell, Chairman, Henderson and Thom.

Your Committee has considered the contents of the White Paper on Taxation as it relates to the terms of reference of this Committee. As the White Paper may not become legislation without substantial changes, your Committee feels that it would be unwise to make any recommendation until the changes in taxation become certain. In the meantime, your Committee will watch developments.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON LAWYER REFERRAL SERVICE—Mr. Estey

Your Committee met on Wednesday, the 14th day of January, 1970, the following members being present: Mr. Estey (Chairman) and Messrs. MacKinnon and Strauss, and Mr. Lawson of Legal Aid (at the Chairman's invitation).

The Chairman presented a suggested plan to institute a Referral Service in Metropolitan Toronto on a trial basis.

"1. In the first instance the service should be established and administered from an office at the Law Society. In the course of its operations such office will ensure the co-operation of the offices of Legal Aid in Toronto, the Canadian Bar Association, Ontario Branch Office, and the County of York Law Association office for the purpose of routing all appropriate inquiries to the Lawyer Referral Office.

2. The Referral Service is dependent upon the establishment and maintenance of a roll of members of the Bar who are willing to advise a member of the public when such is referred to him by this service. For this purpose the profession in Metropolitan Toronto will be asked to indicate:
   (a) Their willingness to participate in the service;
   (b) The branches of the law in which they wish to participate.
3. For the purposes of making this survey we propose dividing the practice of law arbitrarily into the following eight fields: criminal law, commercial law, civil litigation, family law, labour law, and master and servant relationships, taxation, wills, estates and trusts, patents, trade marks and copyright, so that the administration of the service will be able to establish a roll from which the lawyers will be drawn in strict rotation according to the type of work in which they have expressed their interest.
4. In making this survey it is proposed to inform the profession of the general rules under which the service will operate, which will include an undertaking by the participants to agree to charge a maximum of $10.00 for the first one half-hour interview; thereafter the matter of charges will be on the same basis as any other lawyer-client relationship.
5. In order to bring the inquirer and the lawyer together the Lawyer Referral Service will establish a telephone number in both the white and yellow sections of the telephone book with an appropriate announcement in the latter briefly explaining the nature of the service. This telephone number would be manned by the Law Society's switchboard, but presumably would be segregated so as to allow the operator to announce it as a Lawyer Referral Service if this be practicable. The telephone service will in the first instance require the cooperation of the other agencies in the city such as the Canadian Bar Association, Ontario Branch Office, County of York Law Association and the Legal Aid Office, Toronto. The operator may in many instances be able to classify the inquiry but more likely will refer the caller to a member of the Law Society staff made available for this purpose. This staff will then classify the subject matter and refer it to the next lawyer in rotation in the division of the rolls prepared as above outlined.

6. It is proposed to make the caller and the selected lawyer aware of each other's names, addresses and phone numbers by mailing to each a standard notice card which will set out the basic features of the service. We propose no other relationship between the service and the member of the public or the lawyer in question.
7. The Committee proposes at least in the initial stages of the service to require that a participating member of the Bar have experience amounting to at least three years' practice.
8. Also to ensure that the quality of the service will be high we suggest that members of the Bar be asked to indicate a preference for not more than two of the fields of law listed in paragraph 3 and that they be reminded in the notice of inquiry sent out to the profession of the importance to the profession that a participating lawyer be experienced and qualified in the fields he selects.
9. In order to obtain a listing in the 1970 telephone directory we propose to place an order with Bell Canada for directory listing forthwith and to immediately thereafter prepare and circulate a notice to the profession with a view to being in a position to inaugurate this service when the new telephone book is published. At the same time it is proposed that the press be informed of the new service.
10. It is anticipated that some of the persons referred to solicitors by the service will be entitled to legal aid so that a close liaison with the Legal Aid Office will be maintained and participating members of the profession instructed as to the procedure to be followed in the event the member of the public appears to be entitled to the service of Legal Aid."

The immediate costs to be incurred are as follows.

(a) Notice in the telephone directory;
(b) Trunk line to the Law Society switchboard;
(c) Possibly additional telephones to be installed;
(d) Cost of printing notice to profession,
cost of printing referral cards;
(e) Office supplies for the rotary records;
(f) Postage.

It is requested that subject to the approval of the Finance Committee, $1,000.00 be made available for this service.

Having examined the British Columbia system and hopefully having learned from their experience and that of some areas in the United States, we propose the foregoing plan in outline only, being aware that the first six months of the operation of this service will no doubt suggest techniques for better adapting the service to the needs of this community.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

J. Shirley Denison, a former Treasurer of the Law Society, died in 1951 leaving his Estate to his sister for life with the remainder to the Law Society on the following trust:

> " . . . My Trustee shall after my sister's death pay to or deliver to the Law Society of Upper Canada the residue of my estate the same to be applied from time to time by the Treasurer and Benchers and both as to capital and income as they may see fit for the relief of impoverished or indigent members of the Law Society and of their wives and children including among such wives, widows and children those of any member of the Law Society who may have been disbarred or suspended."

Mr. Denison's sister died in June 1968 and the Law Society became entitled to the residue of the estate consisting of securities having a market value of approximately $190,000.00 which it is estimated will yield some $13,000.00 per year in income.

On November 21, 1969 notice was published in the Ontario Reports that the Committee is ready to consider applications. Since then three have been received and your Committee met to consider them at 9:00 a.m. on Wednesday, the 6th January 1970, the following members being present: Messrs. Pepper (Chairman), Cassels and Sheard.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON REPORT OF ECONOMIC COUNCIL OF CANADA—Mr. O'Brien

Mr. O'Brien, Chairman, presented the Report of the Special Committee on the Interim Report of the Economic Council of Canada:

Your Committee consisting of Mr. Brendan O'Brien as Chairman and Messrs. Fennell, Callon, MacKinnon and Thom met on Thursday the 13th day of November, 1969 when all members were present and again on Friday the 16th day of January, 1970 for the purpose of considering the above mentioned report of the Economic Council of Canada insofar as it may relate to the legal profession in Ontario.

When considering whether or not the report calls for any action by the Law Society or the County Associations at this time it should be borne in mind that in Ontario legal fees are now subject to a large degree of provincial control including the Supreme, County and Surrogate Court tariffs, the Legal Aid tariffs and the fees provided for in such Acts as the Division Court Act etc. and overriding all these are the provisions in the Solicitors Act whereby a client can apply for the taxation of a solicitor's bill.

There has been no widespread criticism of legal costs in Ontario.

Your Committee is of the opinion that there is nothing in the report of the Economic Council of Canada that requires action on the part of the Society at the present time.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON WHITE PAPER ON TAXATION—Mr. Thom

The Chairman gave an interim report on the work of the Committee. It was decided that further consideration of the work of the Committee stand to a Special Convocation to take place prior to 7th February 1970.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Mrs. T. K. Creighton thanking the Treasurer and Benchers for the flowers sent to Mr. Creighton who had been in hospital since September.

Letter of thanks have been received for the luncheons at which they have been entertained, from Brig. General G. R. A. Coffin, the Honourable W. Darcy McKeough, Minister of

Municipal Affairs, the Honourable Mr. Justice Wishart F. Spence, Supreme Court of Canada, Chief Judge C. E. Bennett, and G. M. Devlin, President, The Thomas More Lawyers' Guild.

Ordered that the correspondence be received and filed.

CONVOCATION THEN ROSE

The Treasurer and Benchers entertained at luncheon Mr. J. Allyn Taylor, President and Chairman of the Board, Canada Trust Company; the Honourable Mr. Justice John Osler, S.C.O., the Honourable Thomas L. Wells, Provincial Minister of Health; and Mr. Bruce West of The Globe and Mail.

Read in Convocation and confirmed this 20th day of February 1970.

"W. G. C. HOWLAND"
Treasurer

MINUTES OF SPECIAL CONVOCATION

Tuesday, February 3, 1970
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Beament, Bowlby, Cass, Common, Evans, Ford, Goodman, H. E. Harris, W. E. Harris, Levinter, MacKinnon, Pattillo, Sheard, Slemin, Thom and R. F. Wilson.

The Treasurer reported to Convocation that Mr. R. M. W. Chitty, Q.C., and the Honourable A. W. Roebuck, Q.C., were both seriously ill, and that flowers had been sent from the Treasurer and Benchers.

The Treasurer reported on the meeting he had attended on February 2nd, 1970 with the Chief Justice of Ontario, the Chief Justice of the High Court and the Chief Judge of the County and District Courts, respecting the dress to be worn by court clerks. He said that the judges agreed that court apparel of court clerks who were not barristers and solicitors should be modified as follows:—

(a) The barrister's purse shall be removed from the back of their gowns,

(b) If male, they shall wear white shirts, white collars (winged or otherwise) with white bow ties,

(c) If female, they shall wear white blouses without separate collars.

Barrister's tabs shall not be worn at any time by any such clerk, whether male or female.

Those clerks who are barristers and solicitors shall continue to wear their presently approved apparel.

The Treasurer confirmed that Chief Justice Cartwright had accepted the invitation to attend luncheon and Convocation on April 17th when he will be elected an Honorary Bencher.

DISCIPLINE COMMITTEE—Mr. Evans

In the Matter of The Law Society Act
And in the Matter of JOHN EDWIN HARRIS,
of the City of Oshawa, a Barrister and Solicitor.

The solicitor was convicted of certain criminal offences and, accordingly, a Notice of Complaint was issued containing the following specific complaint:

> "Take Notice that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that on the 1st day of December, 1969, in the County Court Judge's Criminal Court at the Town of Whitby, Ontario, you were charged before His Honour Judge A. C. Hall, pleaded guilty and were convicted of the nine charges of Fraud and one charge of Theft set out in the schedule annexed thereto and the following punishment was imposed upon you, namely, imprisonment for four years in Kingston Penitentiary."

The Notice of Complaint was returnable on Thursday the 15th of January 1970 at 10:00 o'clock in the forenoon.

Your Committee met at the appointed time, composed of Mr. Isadore Levinter, Chairman, and Messrs. Pepper and Strauss. Mr. John Jennings attended for the Society. The solicitor did not attend and evidence was produced as to notice of the hearing having been given to him.

Counsel advised your Committee that the Notice of Complaint stated that His Honour Judge A. C. Hall had presided at the solicitor's trial when, in fact, it had been His Honour Judge John B. Robinson. Counsel asked that the Notice of Complaint be amended. The appropriate amendment was made.

After considering the evidence before it, your Committee recommends that the solicitor be disbarred and that his name be stricken from the Rolls of the Law Society of Upper Canada.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

Mr. Goodman takes no part in the discussion and does not vote.

The solicitor was called but did not reply.

The affidavit of Thomas Hocking as to service of the Report on the solicitor was filed, also a letter dated 27th January 1970 from H. S. Bell, Deputy Warden, Kingston Penitentiary, and a receipt for the Report apparently signed by the solicitor.

The Report was adopted.

Moved by Mr. Evans, seconded by Mr. MacKinnon

1. THAT the Report of the Discipline Committee in the matter of JOHN EDWIN HARRIS, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JOHN EDWIN HARRIS guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said JOHN EDWIN HARRIS be disbarred.
4. THAT the said JOHN EDWIN HARRIS is unworthy to practise as a Solicitor.

Carried

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE—Mr. Pattillo

In December Convocation approved the recommendation of the Special Committee on Errors and Omissions Insurance that a questionnaire be drafted and circulated among the profession in Ontario to show, as far as possible, loss experience, including both paid out figures and outstanding claims. The questionnaire, with a letter from the Treasurer, was mailed on the 5th of January, 1970.

Your Committee met on Friday, the 30th of January, 1970 at 3 p.m., the following members being present: Mr. Pattillo, Chairman, Mr. Howland, Treasurer, and Mr. MacKinnon. Mr. Peter Armour attended at the Chairman's invitation.

The Committee had before it a detailed report of the results of the questionnaire showing that 4,203 or 76% of the 5,500 practising solicitors in the Province had made returns.

Before making specific recommendations to Convocation, your Committttee has asked Mr. Armour to canvass the market to see whether a true insurance plan could be offered both on a $2,000 and a $5,000 deductible basis and at what premium, specifying a commencement date of the 1st of July, 1970 for various periods up to five years. He will also obtain premium quotations for excess insurance up to $1,000,000.

Your Committee considers that the insurance should cover only those who are in practice in Ontario, excluding those fully retired from practice or who are employed full time by a corporation or other non-member of the Society or by a Government department.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON WHITE PAPER ON TAXATION—Mr. Thom

The Notice to the profession in the Ontario Reports in December has resulted in many letters and briefs from members of the profession in all parts of the Province, as well as a very helpful letter from Mr. J. J. Saucier of Calgary. Without exception, the position taken in these submissions is that the White Paper Proposals are unacceptable. The major bases of concern and of objection may be categorized as follows:

1. The practice of law is a profession and not a business and business techniques are not applicable in determining a lawyer's income.
2. The great majority of law offices do not keep records of unbilled work so as to give rise to an "inventory" comparable to an inventory of stock-in-trade or goods in the process of being manufactured.

3. Even if practicable, it would impose an excessive additional cost of operation on the lawyer to maintain such accounts which would necessarily be reflected in higher fees to the detriment of the general public.

4. It is impossible for any practical purpose to value time spent on such matters as civil and criminal cases and business negotiations which can have any real significance in establishing the fee that might eventually be charged for such work. In connection with work of this nature the amount of the lawyer's fee cannot be determined until the work is finished and interim time records are of historic interest only.

5. Time spent on matters such as real estate and mortgage transactions, probating wills and passing accounts and incorporating companies is not relevant to the fee charged in the great majority of cases and the bill is determined by the applicable tariff or by taxation.

6. Clients tend to delay payment of their lawyers' accounts when rendered and the account is not banking security. As a consequence the accrual of unpaid accounts would result in an undue acceleration of the lawyer's tax liability.

The Committee first met on January 6, 1970 when it was felt that an approach should be made at the earliest opportunity to those in Ottawa responsible for devising the White Paper Policies in order to ascertain as accurately as possible what reasons lay behind the proposal with regard to the accrual of lawyers' income. The Committee was successful in arranging a meeting with Mr. James Brown, the head of the Tax Advisory Unit in the Department of Finance in Ottawa on January 9, 1970. At this meeting he had with him Mr. John Thompson. Present on behalf of the Society were Messrs. Henderson, Estey and Thom. The Committee was well received and there was a full and frank discussion of the problem.

It was indicated that a written brief to the Department of Finance would be given careful consideration. It was also indicated that action should be taken to bring the lawyers' position before the Committee of Parliament that had been charged with a review of the White Paper Proposals.

The Committee recommends that a written brief should be prepared strongly opposing any method of taxation which would have the effect of treating the lawyers' unbilled services as taxable income under any circumstances. The brief should also oppose any suggestion that unpaid accounts should be accrued as income for tax purposes.

Moved by Mr. Thom, seconded by Mr. Levinter, that the Report be adopted.

Moved by Mr. Goodman, seconded by Mr. Bowlby, that the word "strongly" be inserted before the word "oppose" in the third last line of the report. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

Special Committee on Fees (1970)

Moved by Mr. R. F. Wilson, seconded by Mr. Goodman, that a special committee be appointed to consider a fee for retired and non-resident members; and the fee on re-admission after membership has been terminated by resignation or disbarment, the special committee to consist of — Messrs. Sheard (Chairman), Beament, Common, Fennell, O'Brien and Pattillo. *Carried*

CONVOCATION THEN ROSE

The Treasurer and Benchers entertained at luncheon His Honour Provincial Judge F. C. Hayes, President, Provincial Judges Association, and His Honour Judge Frank Denton, of the County Court of the County of York.

Read in Convocation and confirmed this 20th day of February, 1970.

"W. G. C. Howland"
Treasurer.

MINUTES OF CONVOCATION

Friday, 20th February 1970
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.), and Messrs. Beament, Bowlby, Callon, Cass, R. W., Cassels, Fennell, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Levinter, Lochead, Maloney, Martin, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Robins, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of the 16th January 1970 and the Special Convocation of the 3rd February 1970 were read and confirmed.

The Treasurer referred to the death on February 3, 1970 of R. M. Willes Chitty, Q.C., a Life Bencher and an Honorary Member of the Law Society.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 12th day of February, 1970, at 3:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Cass, Estey, Henderson, Sheard, Slemin and Thom.

BAR ADMISSION COURSE FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Domestic Relations

P. Gravely, Esq., to be appointed an Instructor.
B. Laker, Esq., Q.C., to be appointed an Instructor.
D. H. Lissaman, Esq., Q.C., to be appointed an Instructor.
L. D. Cadsby, Esq., to be appointed a Stand-by Instructor, in place of D. H. Lissaman, Esq., Q.C., promoted to Instructor.
F. G. Gans, Esq., to be appointed a Stand-by Instructor.
G. K. Selzer, Esq., to be appointed a Stand-by Instructor.

Criminal Procedure

I. A. Cartwright, Esq., to be appointed an Instructor, in place of E. R. Pepper, Esq., Q.C., resigned.

H. S. Honsberger, Esq., Q.C., to be appointed an Instructor.

J. D. Crane, Esq., to be appointed a Stand-by Instructor, in place of I. Cartwright, Esq., promoted to Instructor.

R. G. Murray, Esq., to be appointed a Stand-by Instructor, in place of H. S. Honsberger, Q.C., promoted to Instructor.

Approved

CONTINUING EDUCATION LECTURES 1970

The Chairman presents the schedule of lectures on "Recent Developments in Real Estate Law" to be given in Osgoode Hall on March 13th and 14th, and March 20th and 21st, 1970.

SPECIAL ONE-DAY PROGRAMME ENTITLED ESTATE AND GIFT TAX CHANGES 1968-69

The Director of the Bar Admission Course submits the following report:

"The above programme was given in three Ontario centres on the dates shown below. Also shown are the numbers who enrolled at each centre.

London	October 17th, 1969	342
Ottawa	October 31st, 1969	222
Toronto	November 14th, 1969	1,361

The fee charged was $15.

In addition to the total number of enrolments 70 books were sold to persons who did not attend at the same price of $15.

The programme consisted of three lectures and a panel discussion. A lecture on Estate and Gift Tax Changes was given by Mr. M. B. Jameson, Q.C., in each centre as was a lecture by Mr. K. A. Foulds, Q.C., on Planning Under the New Legislation. The third lecture on The Department's View was given in each centre by the local Superintendent of Estate Tax: Mr. F. D. McMahon in London, Mr. J. S. Stewart in Ottawa, and Mr. B. J. Comiskey in Toronto.

A book of materials was handed out to all who attended which could be followed while the lectures were in progress and taken back to the office for immediate use.

Because of the large enrolment in Toronto, Eaton Auditorium was engaged, having a seating capacity of 1,275, and was completely filled.

The panel, chaired by Mr. J. A. Brule, Q.C., and consisting of Mr. S. Silver, Mr. F. D. Baker and Mr. J. M. Hodgson, Q.C., discussed "Foreseeable Problems and Possible Solutions." The discussion was taped and an edited transcript was sent to all who had enrolled or ordered books.

Mr. Foulds, who heads the section of the Bar Admission Course on Estate Planning, and Mr. Jameson, one of the special lecturers in that section, immediately made use of all the information that had been developed for the special programme in teaching this year's students. There is no doubt that this year's Estate Planning section benefited very greatly from the research commissioned for the special programme.

The net receipts from the Programme amounted to $21,833.89.

SUB-COMMITTEE OF THE LEGAL EDUCATION COMMITTEE

To the Legal Education Committee:

At its meeting on the 13th November, 1969, the Legal Education Committee recommended that a Sub-Committee be appointed by the Chairman to consider the whole process of legal education in Ontario. The following were appointed: Mr. B. J. MacKinnon as Chairman, and Messrs. Arnup, Gray, Henderson, Robins and Thom.

Your Sub-Committee met on Tuesday, 27th January, 1970, with Mr. B. J. MacKinnon, Chairman, and Messrs. Arnup, Gray and Robins present.

After considerable discussion as to the scope of the problems to be considered and the personnel to be involved in such consideration, your Sub-Committee recommends:

1. That the Legal Education Committee recommend to Convocation that Convocation authorize the Treasurer to appoint a Special Committee of Convocation to be called the Special Committee on Legal Education and Training;
2. That the Special Committee be directed to co-opt and invite as part of its membership, representatives from the academic community, the law students and students-at-law, as well as recent graduates;
3. The area of concern and study of the Special Committee will be, without being restrictive, the length and content of the law schools' programmes and of the Bar Admission Course (both articling and teaching portions) and all matters relevant to those two large areas.

Your Sub-Committee felt that the subject was such a large, vital and immediate one to the profession that it called for a Special Committee of Convocation. It was also felt that the academic and the practical aspects of the problems so overlapped that it was necessary that the academic community and the students be involved.

Your Committee recommends:

1. That Convocation authorize the Treasurer to appoint a Special Committee to be called The Special Committee on Legal Education;
2. That the Special Committee may include as part of its membership representatives of the judiciary, the Bar, law faculties in Ontario, governing bodies of universities in Ontario, law students and students-at-law;
3. The area of concern and study of the Special Committee will be without being restrictive, the length and content of the university programmes and of the Bar Admission Course (both articling and teaching portions) and all matters relevant thereto, and shall make recommendations to Convocation thereon.

HONORARY DEGREE

It is proposed that an honorary degree of Doctor of Laws *honoris causa* be conferred upon the Honourable John Parmenter Robarts, P.C., Q.C., Prime Minister and President of the Council of the Province of Ontario. *Approved*

PETITIONS

Brian Delby Bucknall entered the Bar Admission Course in September, 1969, and is presently serving under articles with Messrs. Osler, Hoskin & Harcourt. Mr. Bucknall wishes to accept a position as clerk to Mr. Justice Spence of the Supreme Court of Canada for the period March 1, 1970 to February 28, 1971.

Your Committee recommends that since he has already completed nearly six months of articles he be allowed to enter the teaching period of the Bar Admission Course in September, 1971, provided he has then completed serving Spence, J., as his clerk for not less than one year, or that he has completed twelve months of service under articles.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 12th February, 1970, at 3:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, Robins, Sheard and Slemin.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411, now applies for call to the Bar and to be granted a Certificate of Fitness:

John Francis Leman — Manitoba. *Approved*

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

Frank Iacobucci — Special — Faculty of Law, University of Toronto — Fee $200. *Approved*

ADMISSION OF STUDENT-AT-LAW

BAR ADMISSION COURSE

Under Transfer Regulation No. 10(b)

468. SINGH, Kanwar Rajendra — India. *Approved*

UNITED KINGDOM SOLICITOR

Krishan Kumar Channan seeks to proceed under Regulation 8 to enter the September 1970 Bar Admission Course subject to his producing a current Practising Certificate as an English Solicitor before November 1970. *Approved*

COMMONWEALTH TRANSFERS

Jayadevbhai Bhikhabhai Brahmbhatt (B.A. degree Gujarat University 1955; LL.B. degree Gujarat University 1960) was entered on the Roll of Advocates by The State Bar Council of Gujarat in April 1962 and on the Roll of Advocates of the High Court of Uganda in May 1967. He presents a current practising certificate from the Chief Registrar of the High Court of Uganda and seeks to proceed under Regulation 10(b).
Approved

Abdul Sattar Kauser (LL.B. degree University of Punjab 1964; M.A. Political Science, July 1966) was enrolled in the High Court of West Pakistan in 1964, where he has practised continuously to the present. He seeks to proceed under Regulation 10(b). *Approved*

BAR ADMISSION COURSE — TEACHING PERIOD ONLY

Harvey Leonard Samuel Portigal failed the second attempt to pass the Transfer Examinations in January 1970. He asks to be allowed to enter the teaching period of the September 1970 Bar Admission Course.

Your Committee recommends he be allowed to take the teaching period of the Bar Admission Course once only, and if unsuccessful must discontinue.

Wayne Watterworth

Victor B. Collins, Esq., Q.C., who practises in Dunnville, Ontario, has written to the Society saying that he intends soon to retire from practice and hopes that his son-in-law will be able to take over the practice. His son-in-law is completing his LL.B. course at York University and will be ready to enter the Bar Admission Course this year. Mr. Collins writes to suggest that he has great need of his son-in-law to take over the practice and that since he is a mature student with a good academic record and has worked in Mr. Collins office out of term and on week-ends, he be excused from the articling period and be allowed to enter the teaching period of the Bar Admission Course beginning in September 1970. Mr. Collins' letter is before the Committee.

Your Committee recommends he be advised that the relief suggested cannot be granted.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, The University of Toronto, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February 1960, upon payment of a fee of $200.

John Swan, B.Comm., LL.B., B.C.L. *Approved*

FULL-TIME MEMBER OF THE FACULTY OF OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY

It was the policy of Convocation to Call to the Bar and admit as solicitors members of the Full-time Faculty of Osgoode Hall Law School when they had completed one year of teaching and had been reappointed for a second year, without examination and without fee.

The following member of the full-time Faculty, who applied in October 1969, has asked to be called and admitted in accordance with this policy:

Maurice Charles Cullity, LL.B. (Western Australia), B.C.L. (Oxford), of the Middle Temple, Barrister and Solicitor of the Supreme Court of Victoria. *Approved*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 12th day of February 1970, the following members being present: Messrs Sheard (Chairman), Beament (Vice-Chairman), Gray, Henderson, Robins, Steele and Thom.

Mr. A. M. Lawson, Q.C., Director, and Mr. D. McCourt, Controller, of the Ontario Legal Aid Office, attended at the invitation of the Chairman.

ACCOUNTS

The Secretary reports that from the 1st January to the 31st January 1970 accounts, including Library Accounts, properly approved, to the amount of $137,217.39 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July to 31st January 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 31st January 1970. *Approved*

ROLLS AND RECORDS

(1) *Appointments to the Bench*

That the following former members of the Law Society have been honoured by their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

Elmer Edward Smith, Timmins. Called — 24 June 1954. Appointed Jr. District Court Judge, District of Cochrane — December 1969.

Lloyd Kingsforth Graburn, Q.C., Toronto. Called — 29 June 1950. Appointed Jr. County Court Judge, County of York — January 31, 1970.

Benjamin Grossberg, Q.C., Toronto. Called — 15 November 1928. Appointed Jr. County Court Judge, County of York — January 31, 1970.

George R. G. Phelan, Q.C., Toronto. Called — 17 June 1937. Appointed Jr. County Court Judge, County of York — January 31, 1970.

Edward Francis Wren, Toronto. Called — 16 September 1954. Appointed Jr. County Court Judge, County of York — January 31, 1970.

(2) That the following formers members of the Law Society have died:

Colin Fraser Elliott, Q.C., Ottawa (Hon. Life Mem.)	Called—20 May 1915; Deceased—December 1969.
Emma T. Howell, Peterborough	Called—21 March 1969; Deceased—17 December 1969.
John Somerset Stephens, Burlington	Called—17 September 1936; Deceased—23 December 1969.
R. M. Willes Chitty, Q.C., Toronto (Hon. Life Mem.)	Called—20 May 1920; Deceased—5 February 1970.

(3) *Disbarment*

That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

John Edwin Harris, Oshawa	Called—20 November 1924; Disbarred—3 February 1970.

(4) *Resignation*

That the following former member of the Law Society has resigned, and his name has been removed from the rolls and records of the Law Society:

Harold Joseph Mattson, Kitchener	Called—26th June 1958; Resignation accepted by Convocation, January 6, 1970.

Noted

RESIGNATIONS

Margaret Sullivan, Hamilton

At its meeting on January 8, 1970 your Committee considered correspondence from Miss Sullivan relating to her retirement from practice, and directed that she be asked to file a formal Declaration as required by the Rule Respecting Resignations.

A letter from Miss Sullivan and her Declaration are before the Committee. *Approved*

James M. McIntyre, Vancouver

James M. McIntyre, a Professor, Faculty of Law, University of British Columbia, was called to the Bar of Ontario on the 16th March 1962 while a professor at Queen's University. He has intimated that he wishes to resign his membership in this Law Society. He has filed a Declaration under Rule 9 respecting trust funds.

Your Committee recommends that his resignation be accepted upon his confirming his desire to resign.

CHANGE OF NAME — *James Bernard More*

James Bernard More was admitted as a student in the Bar Admission Course under the name "James More". A petition is before the Committee asking that his name be changed on the rolls of the Society to "James Bernard More", his full given name. *Approved*

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1969. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

INVESTMENTS

General Fund — The following securities have matured:

Hydro Electric, 4¾%, January 1, 1970	$ 5,000
Province of Ontario, 2¾% — 1968-77	$10,000

Trust Account — Divine Service Trust

$2,500 Canada Permanent Guaranteed Certificates, 5½%, matured on February 1, 1970 and has been re-invested in a 5-year Canada Permanent Guaranteed Certificate, 8½% — February 1, 1975. *Approved*

PENSION PLAN

At its meeting in February 1969 your Committee had before it a report from William H. Mercer Limited who were engaged by the Society to advise it with respect to its pension plan covering Law Society Employees. Your Committee later retained Mr. J. H. Thomson, Q.C., to study Mercer's recommendations and to advise the Committee. At its meeting in October 1969 Mr. Thomson attended before the Committee and presented his recommendations contained in a letter to the Secretary dated June 18, 1969.

Your Committee favoured a change to a segregated plan, preferably with the Standard Life Assurance Company, with unit benefits based on final five or ten years average earnings, with an increase of 1% in employees contributions, and recommended that Mr. Thomson and the Secretary proceed with Mercers on that basis with negotiations with Standard Life and that competitive quotations from other companies be obtained.

Mr. Thomson has written to the Society on the 10th February 1970 setting out the main features of the proposed Plan, and it is before your Committee.

Your Committee recommends that the transfer to the segregated fund be approved on the basis of Mr. Thomson's recommendations, except as to the question of the guaranteed pension benefit being for five or ten years, which question is to be discussed at a meeting of representatives of William Mercer Limited, the Legal Aid Plan, Mr. Thomson and the Secretary.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Beament

Your Committee met on Thursday, January 8th, 1970 at 10:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Bowlby, Cass, Ford, Gray, Henderson, Levinter, Lochead, Pepper, Slemin, Strauss and Thom.

Your Committee considered whether it was proper for an articled student-at-law to describe himself as a lawyer. Your Committee is of the opinion that an articled student-at-law should not describe himself as a lawyer and recommends that this opinion be published in the *Ontario Reports* and brought to the attention of the Bar Admission Course.

Moved by Mr. Beament, seconded by Mr. Levinter, that the Report be adopted, and that pursuant to the recommendation of the Committee, a Notice be published in the *Ontario Reports*.

Carried

ORDER

The Secretary presented the following Order which is entered in the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF JOHN EDWIN HARRIS
A BARRISTER-AT-LAW AND ONE OF THE SOLICITORS
OF THE SUPREME COURT OF ONTARIO AND IN THE
MATTER OF THE LAW SOCIETY ACT.

WHEREAS it has been certified by the Assistant Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 3rd day of February 1970 disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor;

THEREFORE this Court doth order that the said JOHN EDWIN HARRIS be struck off the roll of Barristers and Solicitors of this Court.

DATED this 3rd day of February 1970.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 199
as Document No. 1162
on Feb 3 1970 VG

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of barrister-at-law was conferred upon them by the Treasurer:

FRANK IACOBUCCI — Special — Professor, Faculty of Law, University of Toronto.

JOHN FRANCIS LEMAN — Transfer — Manitoba.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 12th day of February 1970 at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, and Messrs. Goodman, Gray, Slemin and Strauss.

1. RULING 10 — SIGNS AND LETTERHEADS

Your Committee considered a request from a lawyer for permission to add the name of a Judge, who died over thirty years ago, to the name of the solicitor's firm. It is your Committee's opinion that to do so would offend the spirit and intent of Ruling 10 of the Rules of Professional Conduct and instructed the Secretary to so advise.

2. RULING 35 — RETIRED JUDGES RETURNING TO PRACTICE

Your Committee considered a request for an interpretation of Ruling 35 of the Rules of Professional Conduct which reads as follows:

> Ruling 35
>
> RETIRED JUDGES RETURNING TO PRACTICE
>
> Without the express approval of Convocation, no Judge of the Supreme Court of Canada, the Exchequer Court of Canada, the Supreme Court of Ontario or of a County or District Court who hereafter retires or resigns and returns to practice, shall appear as counsel or advocate in any court or in chambers or before any administrative board or tribunal.

The former Judge asked whether the Rule would prohibit him from appearing on an Examination for Discovery and questioning a party in the action. Your Committee is of the opinion that this would not offend the Rule and has instructed the Secretary to so advise.

3. MISCELLANEOUS

The question of whether a Will should be destroyed was brought to the Committee by a Toronto lawyer. Your Committee concluded that a Notice to the Profession on this question would be advisable and delegated to the Chairman its preparation. The Chairman has drafted the following:

"The Professional Conduct Committee has received an enquiry regarding the destruction of old original wills left in the custody of a member of the profession. The Committee is of the opinion that an original Will left in the custody of the member should not be destroyed and attention is drawn to section 22 of The Wills Act, R.S.O. 1960, Chapter 443, which reads as follows:

> "22. No will, or any part thereof, is revoked otherwise than as aforesaid provided by section 20, or by another will executed in the manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction with the intention of revoking the same."

If the member who has custody of the Will wishes to be relieved of his responsibility and he cannot return the Will to the testator he may deposit it with the Surrogate Court Registrar pursuant to the provisions of section 17 of The Surrogate Court Act, R.S.O. 1960, Chapter 388, which reads as follows:

> "17. The office of the registrar is a depository for all wills of living persons given to him for safe keeping, and the registrar shall receive and keep the same upon payment of such fees and under such regulations as are prescribed by the surrogate court rules."

and also the Surrogate Court Rules 65, 66 and 67 which read as follows:

> "65. Every will deposited for safe keeping with the registrar shall be enclosed in an envelope, securely sealed, upon which shall be endorsed the name and address of the testator and of the executor or executors and the registrar shall mark thereon a memorandum showing the date of deposit and from whom received.
>
> "66. Where a will is deposited for safe keeping by a person other than the testator, the person shall also deposit his affidavit stating that the will is in the same plight, state and condition as when received by him from the testator.
>
> "67.(1) A Will deposited for safe keeping shall not be removed, copied or inspected during the testator's lifetime except by the testator in person, or, upon the order

of the judge, by a solicitor acting under the written authority of the testator, which authority shall be verified by the affidavit of the solicitor and shall be filed.

"(2) After the death of the testator, the will shall be delivered to the executor upon his personal application or to such other person as the judge directs, and, in either case, the registrar shall take a receipt for the will and retain a copy of it compared and certified by him.

The fee under The Surrogate Court Act payable on depositing a will for safekeeping is $3.

If further assistance is required members are invited to write to the Secretary."

Proposed Ruling on Touting, Advertising and Soliciting

4. The Secretary has received a number of letters containing suggestions and criticisms with respect to the Proposed Ruling on Touting, Advertising and Soliciting, which was published in the *Ontario Reports* week of August 1st, 1969. Your Committee intends to have a special meeting to consider the Sub-Committee's final Report on this proposed Ruling. It is anticipated that the meeting could last for a full day.

In addition to the foregoing a number of routine matters were considered by your Committee and the necessary instructions issued to the Secretary.

Moved by Mr. Fennell, seconded by Mr. Gray, that paragraph 3 be amended by inserting the words "be published in the Gazette" after the word "profession" in the second sentence thereof. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 12th day of February, 1970, the following members being present: Messrs. Steele, Chairman, Cassels, Ford, Strauss, H. E. Harris and Miss R. McCormick.

Accounts

Expenditures by the Great Library up to 31st January, 1970, were approved.

GREAT LIBRARY

GIFTS AND DONATIONS

Donations have been received from the following:

Mr. H. W. D. Kilgour, Q.C. — A total of 257 volumes comprising statutes of Canada and the Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Saskatchewan, and of Great Britain.

His Honour Judge F. J. G. McDonagh — A total of 24 volumes comprising the Revised Statutes of Canada, 1952, and annuals to date. *Noted*

ANNUAL INVENTORY OF TEXT BOOKS

In the year 1969, three text books were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, thirteen were returned in 1969.

Texts taken during 1969 are as follows:

Batt, F.G. — The Law of master and servant. 5th ed., by George J. Webber, London, Pitman, 1967. 698 p. 89722. Reserve book.

Bergh, C. S. — Effective tax avoidance. Toronto, Carswell, 1965. 85424. Reserve book.

Shemel, Sidney — More about this business of music by Sidney Shemel and William Krasilovsky. 1st ed. New York, N.Y. Bill-Board Publishing Co., 1967. 160 p. 93164. *Noted*

AMERICAN ASSOCIATION OF LAW LIBRARIES ANNUAL CONVENTION

The annual convention of the American Association of Law Libraries will take place between June 28 and July 2, 1970, in Washington, D.C. The Chief Librarian requests permission to attend this convention and also requests permission for Mrs. Eleanor Boultbee, Assistant Librarian, to attend with her. *Approved*

LIBRARY AT 145 QUEEN STREET WEST

Your Committee is advised that as a result of renovations to the Government's side of Osgoode Hall, it will be necessary to relocate at 145 Queen Street West for a period of about two years, all of the Court Rooms presently located in Osgoode Hall. This also includes the Masters' Offices. It is estimated that the move will take place about the 1st of June 1970.

A room has been made available by the Government for a library at 145 Queen Street West and your Committee considered the matter of providing books and staff for this library. Your Committee recommends that the Society stock the room with the necessary books and provide staff for supervision.

BOOK LIST

A list of books purchased recently by the Chief Librarian was approved.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1969. The amount of the grant which they should receive under the Rules in 1970 and that which they received in 1969 are as follows:

	1969		*1970*
Bruce	$ 825.00		$1,075.00
Cochrane	975.00	$1,425.00	
	Loan	300.00	1,125.00
Grey	975.00	———	1,250.00
Hamilton	1,850.00		2,000.00
Middlesex	1,850.00		2,000.00
Northumberland and Durham	966.40		1,425.00
Oxford	1,075.00		1,425.00

Approved

REPORTING

PUBLICATION OF ONTARIO REPORTS

The Society's contract with Canada Law Book for the publication of the *Ontario Reports* expires at the end of 1970. Your Committee recommends that the Secretary now write all law book publishing companies in Ontario (in a form of notice to be approved by the Vice-Chairman of this Committee) inviting these companies to submit proposals for the publication of the *Ontario Reports* from and after 1st January, 1971.

CASES REPORTED ON MICROFICHE AND READERS AND READER-PRINTERS

Over the past year, your Committee has considered the matter of reporting cases on microfiche and has seen a number of demonstrations of Readers and Reader-Printers. Your Committee has now asked the Chief Librarian to investigate further and report back to the Committee her recommendations as to the company which manufactures the most suitable (for library purposes) microfilming and Reader equipment. Your Committee then intends asking this company to make a proposal to the Law Society in respect of the whole matter of microfilming Reports.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 12th of February, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Henderson, Lochead and Steele.

Your Committee considered a number of routine matters and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE—Mr. Wilson

Your Committee met on February 11th, 1970 at 9:30 o'clock in the forenoon, the following members being present: Mr. R. F. Wilson, Chairman, the Treasurer, Messrs. Beament, Estey, Goodman, W. E. Harris, Henderson, Roberts and Sheard. Mr. L. R. MacTavish attended at the Chairman's invitation. Your Committee considered which Sections of The Corporations Act should not apply to the Law Society and had before it the advice of Mr. Douglas Berlis, whose opinion had been sought on this question. Your Committee considered that Sections 75a, 320 and 326 should not apply to the Society and those suggestions were included in a further Government Draft of Bill 010 dated February 16th, 1970.

On Tuesday the 17th of February 1970 at 3:00 p.m. the Treasurer, Mr. R. F. Wilson and the Secretary met the Attorney General in his office with the Deputy Attorney

General, Mr. Rendall Dick, Mr. W. C. Bowman, the Director of Public Prosecutions and Mr. F. W. Callaghan, Assistant Deputy Attorney General and, after discussion, it was agreed that Section 75a and Section 326 of The Corporations Act should not apply to the Society but that Section 320, having to do with the power of the court to correct books, should apply. A Section which had been in the February 16th draft, providing that in the event of a conflict between The Law Society Act and any other Act The Law Society Act should prevail, was deleted and replaced by sub-Section (2) of Section 6 providing that in the event of conflict between any provision of The Law Society Act and any provision of The Corporations Act, the provision of The Law Society Act should prevail. After further discussion, it was agreed that Section 45, the appeal Section, should be amended to provide that any person dissatisfied by a decision of Convocation made under Section 31, 33 or 47 . . . may appeal . . . The effect of this is to provide a right of appeal from a refusal to re-admit a former member or student member who resigned his membership or who ceased to be a Canadian citizen or other British subject or whose membership was cancelled. A further Draft dated February 19th, 1970, embodying these changes, has been prepared and your Committee recommends that Convocation give its approval to this Draft.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 11th day of February, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Common, Ford and Lochead.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of December, 1969.

The Director's report under Section 95 of the Regulation shows that the Legal Aid Plan expenditures for the nine-month period ended December 31st, 1969 exceeded the approved budget by $582,000. This increase is due primarily to payments to solicitors in respect of civil legal aid and this, in turn, can be traced to the large volume of divorce accounts.

During the same nine-month period the Legal Aid Plan collected in respect of client recoveries a total of $162,311.00, compared with the estimated sum of $63,747.00. Collections from contributing clients during the same nine-month period totalled $261,000 compared with the estimated sum of $241,497.00.

Projecting these figures through to the end of this current year — March 31st, 1970, it would appear that the Plan's net expenditure will exceed the approved budget of $7.4 million by $746,000.

CONTROLLER'S REPORT

a) The Controller submitted a Summary of Applications for the 9 months ended December 31st, 1969.

Formal applications received for the 9 months ended December 31st, 1969 decreased by 6,700 over the corresponding 9 month period in the previous year. This trend reflects the tighter screening of applicants at the area office level. The refusal rate for formal applications is 13.6% compared to 9.3% in the corresponding period in 1968.

The foregoing comparison of formal applications is reflected in the total number of certificates issued. For the 9 months ending December 31st, 1969 the Legal Aid Plan issued 6,000 fewer certificates than in the corresponding period in 1968. It is also of interest that the percentage of contributing certificates issued has increased from 10% in 1968 to 13% in 1969.

Persons assisted by Duty Counsel show a decrease of 4,100 in 1969 as compared to the 9 months in 1968.

b) The Controller reported verbally with respect to the renewal of the data processing agreements.

Your Committee approved the data processing agreements as presented.

c) Your Committee approved the following leases, which have been reviewed and approved by John D. Honsberger, Q.C., on behalf of the Legal Aid Plan:

i) *District of Temiskaming* — ground floor premises and part of basement — 32 Prospect Ave., Kirkland Lake — $80.00 per month — 3 years — February 1st, 1970 to January 31st, 1973.

ii) *County of Brant* — north west office and the easterly office, second floor of building being 133 Darling Street, Brantford — $100 per month, 1 year, March 1st, 1970 to February 1st, 1971.

d) Your Committee reviewed a memorandum from the Controller relating to collection procedures.

The Collection Manager prepared a schedule for legal aid clients whose whereabouts are unknown and in respect of whom the Plan would be requesting approval for a total write-off of something between $7,000 and $8,000.

Your Committee was of the opinion that the Legal Aid Plan should seek Government approval for the employment of outside tracing and collection agencies in appropriate cases. The Provincial Director and the Controller were directed to discuss this matter with the Deputy Attorney General.

LEGAL ACCOUNTS OFFICER'S REPORT

a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended January 31st, 1970.

b) The Legal Accounts Officer submitted a report for the month of January, 1970 with respect to reviews and appeals.

d) *Appointment of a Legal Aid Tariff Sub-Committee*

After a discussion of the legal aid tariff, your committee recommended that a sub-committee be appointed by the Chairman to review the tariff. The Committee members who were present were requested to make recommendations as to who should serve on the sub-committee.

The sub-committee is to review the principles involved in the tariff and the rules inherent in the Act and Regulation as they affect the tariff. The sub-committee should also consider the following items:

i) should a ceiling be put on accounts?
ii) should a ceiling be put on preparation?
iii) a review of the existing regulations with respect to the employment of Junior Counsel.

It was the feeling of your Committee that the Legal Accounts Officer could bring matters of interpretation which are in the "grey area" and causing difficulty in the performance of his duty to the attention of the sub-committee.

e) *Re Opinion Letters*

The Committee reviewed correspondence from an Area Director objecting to the new system of reviewing solicitors' opinions (required under Section 58 of the Regulation) in the provincial office.

Mrs. A. R. Rosenthal, Assistant Provincial Director, informed the Director that other Area Directors and some members of the Bar shared this view.

The Committee was of the opinion that the Area Director should be informed that the Legal Aid Programme Committee is concerned with the economic aspect of civil litigation and requests opinions from the Area Directors to enable it to deal with problems relating to the issuance of certificates and to establish uniformity throughout the Province; the Committee in no way intends to interfere with the discretion of an Area Director. However, information in an Area Director's office should be available to the Director and the Committee.

ASSIGNMENT OF JUDGMENT (Collections)

At the January meeting the Committee reviewed a memorandum from the Collection Manager with respect to the collection of debts owing to the Law Society's Legal Aid Fund.

On January 16th, 1970 Convocation approved that the assignment of the judgment be made to The Law Society of Upper Canada in appropriate cases.

Your Committee has now approved a draft Assignment.

MORTGAGES

The following is an excerpt from the Report to Convocation submitted on November 21st, 1969:

> "The Programme Committee considered the taking of mortgages by The Law Society of Upper Canada to protect the Legal Aid Fund. The Committee was of the opinion that the ideal solution is by way of statutory charge being placed on the client's title. Such a proceeding appears in The Old Age Pension Act, R.S.O. 1950, Chapter 258, and the present Bail Act, R.S.O. 1960, Chapter 28. An amendment to the Legal Aid Act will be necessary."

Until the Legal Aid Act is amended, mortgages should be taken to protect the Fund.

Your Committee considered and approved a *Mortgage* and a *Charge* form prepared by G. E. Beament, Q.C.

AMENDMENTS TO THE LEGAL AID ACT

On January 16th, 1970 Convocation approved amendments to Sections 109, 110, 115, 116 and 117 of the Regulation.

Under Part IV of the Regulation, a solicitor who is dissatisfied with a review made by the Legal Accounts Officer may appeal therefrom to the Taxing Officer in Toronto.

The Legal Aid Committee was of the opinion that the Regulation should be amended to provide for an appeal from the Taxing Officer to a Judge of the Supreme Court in Chambers in Toronto and the practice on the appeal should be the same as upon an appeal from an Order made by the Master of the Supreme Court. The decision of the Judge should be final.

Your Committee approved the proposed amendment to Section 21 of the Legal Aid Act.

The Committee also approved a proposed amendment to The Legal Aid Act by the addition thereto of a new Section 71a prepared by G. E. Beament, Q.C., and reviewed by L. R. MacTavish, Q.C., which will enable the Law Society to register a lien under the land registry system or land titles system against a contributor's land to protect the Legal Aid Fund.

Your Committee moved that the draft Bill as submitted by the Senior Legislative Counsel, amending the Legal Aid Act be approved.

AMENDMENT TO THE LEGAL AID REGULATION

As noted above, the Legal Aid Act is to be amended to provide for the taking of a lien to protect the Legal Aid Fund.

L. R. MacTavish, Q.C. recommended that the form "Certificate of Lien" and the form "Certificate of Discharge of Lien" be added to the Legal Aid Regulation.

The Registrar of Regulations recommended an amendment to Section 129 of Ontario Regulation 257/69 to provide for the inclusion of the two new forms. The forms are numbered 29 and 30 to the Regulation.

SHOW CAUSE (Section 65 of the Regulation)

Your Committee considered correspondence from F. J. Cornish, Q.C., Area Director York County, recommending that the Legal Aid Act and Regulation be amended to authorize an Area Director in show cause hearings under Section 65 of the Regulation to take evidence under oath and also to force the attendance of witnesses. Mr. Cornish also pointed out that the Regulation is not clear as to whether a certificate holder showing cause why his certificate should not be cancelled, is entitled to be represented by counsel at such hearings and if so, whether the counsel is entitled to be paid under the Act for such services.

After reviewing the matter, the Committee instructed the Director to inform the York County Area Director that the Committee was not in favour of placing a certificate holder under oath or subjecting him to a subpoena. The Committee was further of the opinion that it is up to the certificate holder on a show cause hearing to retain his own counsel, and that such counsel would not be entitled to be paid under Legal Aid.

Duty Counsel

The Committee considered correspondence from J. K. Doner, Area Director, District of Kenora, commenting on the tariff payment for Duty Counsel. The Area Director stated that lawyers in his area are objecting to the limitation of 4 hours per day for duty counsel services, particularly in remote district courts.

The Committee moved that the matter of the 4 hour limitation on duty counsel fees be referred to the new sub-committee on tariffs.

Exemption From Section 71 of the Regulation

R. J. Huneault, Area Director, Sudbury, wrote the Director enclosing correspondence from Michael Tesluk, Solicitor, who stated that because of the remoteness of the Foleyet and Chapleau courts, there are some occasions while he is acting as Duty Counsel that accused persons wish to retain him as counsel. Mr. Tesluk informed the Area Director that there are no other counsel attending the Foleyet and Chapleau courts except occasionally.

The Area Director, with the approval of the Area Committee, now applies for exemption from Section 71 of the Regulation for the Towns of Chapleau, Foleyet and Gogama.

Your Committee approved an exemption from Section 71 of the Regulation for the Towns of Chapleau, Foleyet and Gogama.

Application for Mandamus

On January 19th, 1970 the Provincial Director was notified by the Weekly Court Office that John McWilliams had filed a Notice of Motion for a Writ of Mandamus requiring the Director to issue a certificate to permit Mr. McWilliams to be legally assisted on a criminal appeal.

The Grey County Area Committee had refused to approve the issuance of an appeal certificate to Mr. McWilliams. The Director upheld the Area Committee's decision.

The Director retained Claude R. Thomson, Solicitor, to represent him in this matter.

On Friday, the 23rd of January, Mr. Justice Donnelly dismissed the application and gave the following reasons:

> "The Legal Aid Act makes no provision for an appeal from the Director. On the basis of natural justice there is nothing to indicate that the Director did not fulfill his duties or which would justify the order being made. Application will be dismissed."

APPOINTMENT OF AREA DIRECTOR — PERTH COUNTY

Colonel M. W. Andrew, Q.C., Area Director, Perth County, died on January 27th, 1970.

Your Committee approved the appointment of Nelson McFarlane, Solicitor, as Area Director for the County of Perth.

CORRESPONDENCE

a) Your Committee considered correspondence from W. Glen How, Q.C. commenting on the $25.00 tariff where a solicitor appears before an Administrative Tribunal. Mr. How is of the opinion that the counsel fee under Item 37 of the Regulation should be allowed on a discretionary basis the same as the counsel fee for originating motions under tariff Item 25(a).

After reviewing this matter the Committee instructed that it be referred to the new sub-committee on tariffs.

b) Your Committee considered correspondence from John L. Agro, Q.C., enquiring whether a solicitor who accepts a certificate can delegate all legal aid work, including the trial of an action.

It is the view of your Committee that a solicitor who accepts a legal aid certificate must perform the services under that certificate, with the exception of minor matters which are normally attended to by a junior or student, and on those occasions when, due to exceptional pressures on the solicitor's time, he is obligated to delegate.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act, 1966 provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Waterloo County

R. B. Trott, Q.C., Kitchener

J. S. Askin, Q.C., Kitchener
J. C. M. Gothard, Solicitor, Kitchener
F. T. Kirvan, Solicitor, Kitchener
Dr. Frank Morgan, Minister of Trinity United Church

Lennox & Addington Counties
Barry W. Young, Solicitor, Napanee

Haldimand County
Hugh Michael Slimon, Solicitor

Middlesex County
Prof. R. G. Atkey, Faculty of Law, University of Western Ontario
Prof. G. M. Thomson, Faculty of Law, University of Western Ontario
Prof. H. Krever, Faculty of Law, University of Western Ontario
Prof. C. G. Morley, Faculty of Law, University of Western Ontario
Prof. E. F. Ryan, Faculty of Law, University of Western Ontario
Dean R. S. Mackay, Faculty of Law, University of Western Ontario.

Bruce County
David O. McCray, Solicitor, Walkerton

York County
Miss Barbara Chisholm, Executive Director, Victoria Day Care Services
Dr. John Gandy, Professor of Social Work, University of Toronto
Mr. John Wakeford, Director, Oolagen Home for Youth
Arthur C. Whealy, Solicitor, Toronto
Brigadier Victor MacLean, Correctional Services, The Salvation Army
Stephen Borins, Solicitor, Toronto.

RESIGNATIONS:

Waterloo County — March 31st, 1970
J. W. Lieberman, Q.C.
S. R. Harper, Solicitor
R. C. Sills, Solicitor
S. R. Mank, Solicitor.

Lennox & Addington Counties
Howard Hasler, deceased.

Bruce County
W. R. Tomlinson, Q.C.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Thursday, the 12th of February, 1970, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele, and Miss R. McCormick.

1. COMPUTERS

Your Committee has considered the advantages and problems relating to the computer and the insertion and retrieval of legal information. Your Committee is convinced that there is merit in continuing this study.

However, your Committee is equally convinced that in order to be economical any computer system which may be made available in this field should be on a nation-wide basis and should involve many segments of the population who could make use of this information — not only the profession, but governments, universities and perhaps others. Your Committee recommends that an effort be made on a nation-wide basis to have a Committee established which would be representative of a potential consortium of major users of the computer and that on the establishment of such a Committee, your Committee should not pursue the subject further. To this end, your Committee recommends that the Treasurer, through the Conference of Governing Bodies or the Canadian Bar Association, or other organizations, seek to have the problem handled on a broader basis.

2. DEMAND FOR LAWYERS

Your Committee is considering the whole question of the future demand for lawyers and is presently engaged in assembling available material which will assist in this consideration.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON WHITE PAPER ON TAXATION—Mr. Thom

Your Committee reported to Convocation on the 3rd of February, 1970 and recommended that a written brief be prepared strongly opposing any method of taxation that would have the effect of treating lawyers' unbilled services as taxable income under any circumstances and that the brief should also strongly oppose any suggestion that unpaid accounts should be accrued as income for tax purposes.

A draft of the brief is submitted for Convocation's approval.

Moved by Mr. Goodman, seconded by Mr. Bowlby, that the Report be submitted to the Standing Committee on Finance, Trade and Economic Affairs of the House of Commons, and to the Standing Senate Committee on Banking, Trade and Commerce, and that the Treasurer and the Committee be given power to make minor changes as they think necessary and then to submit the brief as soon as possible. *Carried*

APPLICATION FOR RE-ADMISSION —

John Robert Crerar, Hamilton

A Petition for Re-Admission was before Convocation for consideration.

Moved by Mr. Gray, seconded by Mr. Beament, that the matter be referred to the Discipline Committee for consideration and report. *Carried*

RE COURT REPORTING SERVICES

Moved by Mr. Beament, seconded by Mr. Levinter, that a Special Committee be appointed by the Treasurer to look into and report on the question of the adequacy of the court reporting services. *Carried*

The Treasurer appointed the following Special Committee: Mr. Beament (Chairman), and Messrs. Cass, Lochead and Pepper.

NATIONAL CONFERENCE ON PRICE STABILITY

The Treasurer read a letter from Mr. A. S. Pattillo, President, The Canadian Bar Association, reporting on the meeting of the National Conference on Price Stability called by the Prices and Incomes Commission and held in Ottawa on February 9th and 10th.

Moved by Mr. Cass, seconded by Mr. O'Brien, that the letter be received.

Moved in amendment by Mr. Levinter, seconded by Mr. Lochead, that a letter be written by the Society to the County and District Law Associations recommending that no increases in county tariffs be sought in 1970. *Carried*

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

The Treasurer read a letter from Mr. Hamilton Cassels, Q.C. asking Convocation for authority to provide suitable quarters for the Muniments and Memorabilia.

Moved by Mr. Cassels, seconded by Mr. Goodman, that the Special Committee on Muniments and Memorabilia be permitted to use the Barristers Lounge to display exhibits.

Carried

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from the Rev. Paul Stirling, B.D., acknowledging cheque for $100. re Special Divine Service held in St. Andrews Presbyterian Church, and thanking the Benchers for the luncheon; also letters from the Very Rev. Dean W. J. Gilling and Rev. Ross K. Cameron.

Letters from Mr. J. A. Taylor, President, Canada Trust Company, the Honourable Mr. Justice Osler, Mr. Thomas L. Wells, Minister of Health, Ontario, and His Honour Judge Frank Denton, thanking the Treasurer and Benchers for being entertained at luncheon at Osgoode Hall.

Letter from Mr. R. C. Merriam, Q.C., thanking the Treasurer and Benchers for being invited to sit at the head table at luncheon at the Mid-Winter Meeting.

Letter from Mrs. R. W. Treleaven and family thanking the Benchers for their sympathy and the flowers received at the time of the death of the Honourable R. W. Treleaven, Q.C.

Ordered that the correspondence be received and filed.

CONVOCATION THEN ROSE.

The Treasurer and Benchers entertained at luncheon the Honourable Mr. Justice S. H. S. Hughes, Mr. Donald S. Anderson, Vice-President, The Royal Bank of Canada, and Mr. John Dauphinee, General Manager, The Canadian Press.

Read in Convocation and confirmed this 20th day of March 1970.

W. G. C. Howland
Treasurer.

MINUTES OF SPECIAL CONVOCATION

Thursday, 19th March 1970
11:30 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.), and Messrs. Beament, Bowlby, Estey, Evans, Gray, H. E. Harris, Levinter, Lochead, Martin, Hon. J. Keiller Mackay, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Raney, Robins, Sedgwick, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 12th day of March, 1970, at 3:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Henderson, MacKinnon, Sheard, Slemin, Thom and R. F. Wilson.

EXAMINATION RESULTS — ELEVENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examinations is before the Committee, showing that 25 have passed with Honours, another 422 have passed and 12 have failed and also showing those who are entitled to awards.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 12th March 1970 at 3:00 p.m. the following members being present: Mr. Stuart Thom, Chairman, and Messrs. Beament, MacKinnon, Robins, Sheard, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list is submitted of 444 candidates who have successfully completed the Eleventh Bar Admission Course, have filed the necessary documents and paid the required fee of $210.00, and who now apply for call to the Bar and to be granted Certificates of Fitness. *Approved*

THE REPORT WAS ADOPTED.

CONVOCATION ADJOURNED at 12:00 noon. The Treasurer and Benchers entertained at luncheon the Honourable J. P. Robarts, P.C., Q.C., Prime Minister of Ontario, the Honourable D. C. Wells, Chief Justice of the High Court, Chief Judge C. E. Bennett, Mr. R. J. Roberts, Q.C., Director, Bar Admission Course, and Mr. E. E. Stewart, Deputy Minister of University Affairs.

The Treasurer and Benchers and their guests then proceeded to O'Keefe Centre.

CONVOCATION RESUMED at 2:00 p.m. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the Eleventh Bar Admission Course, a quorum being present.

The body of the theatre was occupied by the graduates of the Bar Admission Course, their families and friends.

Conferring of Honorary Degree

Mr. S. L. Robins, Q.C., Chairman of the Legal Education Committee, read the following citation:

Mr. Treasurer —

The Honourable John Parmenter Robarts deserves to receive the highest honour The Law Society of Upper Canada has to give because he has, through a potent alliance of constructive industry with practical imagination, improved the educational system of this Province, set an example of service to the public through his devotion to the highest political ideals and brought honour to his own profession by his leadership in the initiation of progressive Legislation.

Before graduating from The University of Western Ontario with academic honours, he also achieved distinction as an athlete. Later, during the war, he again won distinction as a naval officer in the engagement at Salerno in 1943.

As many eminent men have done in preparation for a life of political attainment, John Parmenter Robarts read law at Osgoode Hall. He was Called to the Bar of Ontario in June, 1947 and in 1954 was appointed one of Her Majesty's Counsel Learned in the Law.

First elected to the Ontario Legislature in 1951 his reliable judgment and steady energy were soon recognized by his appointment to the Cabinet and to the important post of Minister of Education. He shaped the plan which has enhanced the quality and augmented the effectiveness of secondary school education in this Province. In 1961 Mr. Robarts became the Leader of the Government of Ontario and in this conspicuous and influential office, frequently concerned with the sensitive relationships among the Provinces of Canada, he has attracted respectful attention by employing a forthright diplomacy and demonstrating a thorough understanding of constitutional problems no less urgent than complex.

Mr. Treasurer, I request you to exercise the authority vested in you by Convocation to admit The Honourable John Parmenter Robarts to the degree of Doctor of Laws honoris causa.

The Treasurer then conferred the degree of Doctor of Laws, honoris causa, upon John Parmenter Robarts.

The Honourable John Parmenter Robarts, P.C., Q.C., LL.D., Prime Minister of Ontario, addressed the assemblage.

The Prime Minister then presented the Treasurer's Medal to —

Gary Livingstone Black

and the following scholarships and prizes:

The Roland O. Daly Scholarship; The Lawyers Club First Prize; The S. J. Birnbaum, Q.C. Scholarships for Estate Planning (Tie) The Arthur Wentworth Roebuck Award for Domestic Rel. (Tie)	Gary Livingstone Black
The Law Society Prize (Tie); The Lawyers Club Second Prize (Tie)	Thomas Halldor Bjarnason Jerry Haines Farrell
The Law Society Prize	Gerald Stanley Lapkin
The Commercial Law and Company Law Prize	Lorie Waisberg
The Criminal Procedure Prize	Robert James Carter
The S. J. Birnbaum, Q.C., Scholarships for Estate Planning (Tie)	Brian Patrick Crawford Donnelly William Murakami

The Arthur Wentworth Roebuck
Award for Domestic Relations
(Tie) Ronald George Sansom

and congratulated the following who have been given special appointments:

Law Clerk to the Honourable
George A. Gale, Chief Justice
of Ontario — Raymond Lawrence Steele

Law Clerk to the Honourable
Dalton C. Wells, Chief Justice
of the High Court of Ontario — Robert Bernard MacLellan

CALL TO THE BAR

Mr. Stuart Thom, Q.C., Chairman of the Admissions Committee, then presented to the Treasurer and Benchers the candidates for call to the Bar:

Eleventh Bar Admission Course 1969-70

The following have passed with Honours:

1. Gary Livingstone Black.
2. Thomas Halldor Bjarnason
Jerry Haines Farrell
4. Gerald Stanley Lapkin.
5. Robert Ashley Blair.
6. Ronald Appleby.
7. Stephen Michael Malach
John William Fellowes Rowley
9. Marie Terese Huxter
10. Bernard Barry Gasee.
11. Robert Edward Smolkin.
12. Frank Leslie Roth
George Thomas Smith Valin
14. Donald Robert Brown
Edwin Salter Langdon
16. Joseph Franklin Belecky.
17. Eric Leopold Versteeg.
18. Raymond Lawrence Steele.
19. Lorie Waisberg.
20. Ronald Birken.
21. James Albert Cleary
David Wayne Lalonde
Robert Durward Midgley
24. Robert Bernard MacLellan.
25. Robert John Israel.

The following have passed:

Anthony Chisholm Abbott
John Webster Adams
Mark Thomas Adamson II
Ernest Justinian Enn Alfred
James Harvey Allan
Carol Anne Allison
Ian William Molson Angus
Brian George Armstrong
David George Arntfield
Donald Robert Arthurs
Sarah Josephine Azzarello
William Douglas Densmore Baggs
Richard Anthony Bain
John Alexander Baird
Thomas Charles Hayhurst Baldwin
Toni Michele Barbesin
Grant Richmond Cutmore Barker
George Allan Bassin
Thomas Allen Bates
Robert Frederick Harding Batt
James Robert Baxter
Peter Brian Bedard
Paul Raoul Belanger
Allan John Belisle
Brian Paul Bellmore
Franklyn Harris Bennett
Thomas Dwyer Beynon
Warren William Biback
Ian Archibald Murdoch Birnie
Charles Frederick Blair
Peter Karl Boeckle
Kenneth Lloyd Winton Boland
Robert Allan Bondy
Marvin Bongard
Brian John Boyle
Reginald Edwin Bradburn
William Wilbert Bradley
Joseph Stephen Brinkos
Marten Harvey Brodsky
Edward John Brogden
Sydney Brooks
Richard Derek Broughton
Donald Absalom Brown
Donald Davis Alexander Brown
Douglas Cullen Brown
Roderick Evan Brown
Alan Wesley Bryant
Robert Chisholm Bryson
John Sydney Buchan
Ronald Glenn Bumstead
John James Burns
John Ross Burns
Anthony Morris Butler
Richard George Byers
Ivan John Cable
John Joseph Callaghan
Graeme Lewis Cameron
Grant Allan Campbell
Harrold Bennett Campbell
George Henry Cancilla
Paul George Samuel Cantor
Wayne Francis Carney
Laurent Paul Emile Carr
Donald Kevin Carroll
Elijah Carter
Robert James Carter
Peter Howard Cass
Barbara Joan Casson
Robert Michel Chartrand
Barrie David Chercover
Roy Henry Chilton
Paul Chumak
Roy Harris Clark
Peter John Clarke
Douglas John Cogen
John Brian Colburn
Bryan Gordon Coleman
Alan Herbert Coles
David Henry Conrad

Robert Harold William Cook
Maurice John Coombs
Rodger Froats Cooper
Marie Carmel Corbett
Arthur Ronald Cork
David Ballard Cousins
Ronald Arthur Crane
Donald Herbert Crawford
Robert Charles Cronish
Peter Csont
John Winston Demery
Rodica David
Joanne Catharine DeFalco
Larry George DeKoning
Andre Mark Dempsey
Rocco Leonard Di Giulio
Frank Terence Doerner
Brian Patrick Crawford Donnelly
Francis Anthony Donnelly
Harry William Osmond Doyle
James William Michael Doyle
Richard Joseph Drmaj
Patricia Anne Makuch Drozdoski
Patrick Thomas Way Dunn
Thomas Joseph Dunne, Jr.
George Dzioba
Gordon Robert Eady
Richard Victor Peter Eagan
Elliott Murray Edelstein
Melvyn David Eisen
David John Elgee
Richard John Elliott
Philip Michael Epstein
Harry Erlich
John Clinton Erskine
Leslie Lennart Falk
Stephen Howard Farber
Frank George Felkai
Roderic Graham Ferguson
Kenneth Edward Field
Roy Christopher Filion
Frank Stephen Finch
Michael Ernest Fitton
Giorgio Flaccavento
Ivan Thomas Flaschner
Charles Thomas Fletcher
John Paul Fletcher
Brian Michael Flood
Oscar Anthony Joseph Fonseca
William Henry Fox
Heather Anne Frawley
John Michael Freeman
Allan Friedland
Edward John Gardiner
Donald Grant Gibson
Lorenzo Jose Andres Girones
Glynne William Gladstone
Donald Albert Godden
Sydney Leon Goldenberg
Howard Allan Goldkind
Richard Morton Goldman
John David Gorrell
Gary Lloyd Gottlieb
Stephen Thomas Goudge
Michael John Gough
Alec Marshall Gowland
Thomas David Graham
Edward Leonard Greenspan
James Douglas Grenkie
Gary Charles Grierson
Roderick James Guthrie
Richard Ryk Haalboom
Eric Siegfried Hafemann
Arnold Saul Handelman
James Peter Hanes
Lynne Adair Hardtman
Thomas Francis Michael Hart
Enver Hassim
William Dorman Hawley
Thomas Clifton Hays
Judith Ellen Hendy
Thomas Corkett Hendy
Gary James Henry
Lawrence Milton Hess
Ronald Hoffman

Hubert Winston Hogle
Alan Stuart Hollingworth
Albert Edwin Honeywell
Michael Gavin Horan
Raymond John Houlahan
William Anthony Howard
Richard Derek Howell
Clayton Arthur Hudson
Robert Ernest Hutton
Robert Kenneth Hutton
Robert Ibbotson Illingworth
Thomas Bryan Irwin
John William Ivany
Paul Jacobs
Ronald Thomas James
Oleh Jaroszenko
Henry Forrester Jayakody
Jon Ragnar Johnson
Eric Alton Johnston
Maxwell Meikle Johnston
William Wayne Johnston
Gregory Paul Johnstone
Larry Kagan
Bruce Barry Karten
David Harold Kates
Howard Edward Katz
Daniel Howard Kayfetz
Clifford Keltie Kennedy
John Conway Kennedy
Phillip Daniel Kennedy
William Charles Kent
Andrew George King
Barry Klady
Robert John Klassen
John Graham Kneale
Jules Neil Kronis
Jacob David Lakin
Gerald Edward Langlois
Francis Anthony Joseph Lanza
Marc Paul LaPerriere
Peter Eugene Lawford
Clifford Lax
Charles Thomas LeBrun
Keith Lee-Whiting
William Lehun
George Joseph Leon
Etheridge Bruce Leonard
Harold Joseph Levy
Charles John Lewonas
Valdis Libis
Roy William Linden
Brent Joseph Lisowski
Harold Norman Little
Robert Barclay Livingstone
William John Roderick Livingstone
Louis Alfred Low
James George Lunnie
David John MacDonald
George Henry MacDonald
John Alan Baker Macdonald
Robert Edward Holmes Macdonald
James Douglas MacEachern
Crawford Malcolm MacIntyre
Claude Nestor Robert MacMillan
Calvin Gordon MacPherson
Douglas Robert Macpherson
Peter Ziegfried Magda
David Robert Main
Tadeusz Malak
Stuart Keith Mann
Frank Neno Mantello
Marshall Norton Margolis
Thomas Henry Marshall
Peter Harvey Math
William Edward Mathers
Robert Martin Mazin
William Paul McCarten
Charles Edward McCarthy
William George David McCarthy
Robert John McComb
William James McCormick
Ronald Nevil McCreadie
Michael Thomas Joseph McGoey

Edward Francis Joseph McGrath
Brian Edward McIntyre
Barry Harcourt McKague
Colin Donald Angus McKinnon
Alec McLeod McLennan
John Bruce McLeod
James Robert McLuskie
John Robert Meagher
James Marvin Menzies
Robert James Metcalfe
John Harry Elsworth Middlebro'
Joel Goren Miller
Helen Heather Mitchell
Thomas Charles Mitton
Bernard Joseph Monaghan
James Bernard More
John Thomas Morin
Allan Lyle Morrison
Howard Francis Morton
David Moscovitz
Ronald Finlay Mossman
William Murakami
Roger Winston Nainby
Dhirendrakumar Manilal Nathwani
William Ernest MacLean Naylor
Gary Neinstein
Stanley Howard Newman
Gail Stuart Nicholls
William Paul Nisbet
William Charles Nursey
John Victor O'Donnell
Dennis Odorjan
Akich Okola
George David Olah
Donald Richard Orazietti
Winston Glen Orr
Robert Derwyn Myles Owen
Gary Vernon Palmer
William John Parker
Peter Telford Parkinson
Robert Joel Paul
Donovan Walter Pavey
Kenneth Edwin Pedlar
Norman Alan Peel
Michael Pelensky
William Frederick Allan Phipps
William John Pickett
Brian Phillip Pilley
Harvin David Pitch
Douglas George Pittet
Jack Edward Plumpton
Alexander Paul Polishuk
Stephen Paul Peter Ponesse
Sidney Sze-Lim Poon
Mary Louise Porter
Harvey Poss
Joseph Denton Rand Potter
Jacques Guy Potvin
John Martin Potwin
John Richard Powell
Michael Joseph Quigley
Robert Leslie Radford
John Brian Radigan
Robert Duncan Reilly
Deniz Edmundo D'Almada Remedios
Edward Herbert Richardson
William Leo Riley
Stephen Thomas Perdue Risk
John Malcolm Ritchie
Nicholas Basil William Roche
Michael Barry Roderick
Lionel David Roebuck
Marvin Jacob Roebuck
Donald Howard Rogers
James Arthur Ronson
John Martin Rosen
Douglas Randolph Ross
Robert Charles Rossow
Helen Lenore Roszell
Om Parkash Sachdeva
Ronald George Sansom

William Vincent Sasso
Alexander Schneider
Christian Georg Schulze
Alan Martin Schwartz
Peter Hans Eugene Schwartz
John Douglas Moore Scott
Peter Ballard Scully
David George Searle
Ansis Semenovs
Lawrence Norton Shapiro
Sherwin Howard Shapiro
James Cecil Fegan Shapland
Richard Gordon Shaw
John Douglas Sheppard
James Leo Shields
Jack Sydney Shinehoft
Peter Barry Shone
Thomas David Stapleton Shortill
Bennett Franklin Shostack
Barry Alan Shuken
Allan Shulman
Barry Norman Signer
Alan Bernard Silver
James Compton Simmons
Gary Elliott Siskind
James Alexander Sissons
Joseph Emele Sloniowski
Stephen Beverley Smart
John Alexander Smith
Mortimer Saul Smith
Rodney Laurence Kaye Smith
Herschel Charles Sobel
David Samuel Solomon
John Martin Solursh
Joseph Dominic Michael Sorbara
Peter John Patrick Speyer
Harold Spring
Samuel Harry Starkman
Dennis Melvin Starzynski
Roger John Thornton Steer
James Stefoff
Peter Emile Steinmetz
Robert George Stephens
Walter Rogers Stevenson
Stephen Joseph Stren
Urmas Suits
Roy Arthur Sullivan
Robert Marven Syer, Jr.
William Edward Sylvester
Howard Aaron Tanenbaum
Ronald Robert Taylor
Kenneth Tepper
Helen Lorraine Terry
John Douglas Thoman
David Allan Tilson
Ivan Gerald Tomlinson
John Russell Tomlinson
Paul Vernon Tomlinson
Andrew Bishop Tulk
Noel Warren Turk
Darryl Lloyd Varey
Donald Russel Velanoff
Victor Frank Vere
Alvin Thornley Virene
Henry Arthur Vogelsang
Joseph Vroom
John Carleton Wade
Gary Crawford Copeland Walker
James Joseph Walsh
Peter Revett Walsh
James Gerard Ware
Donald James Watkinson
Roland Browning Watt
Paul Arthur Webber
Joel Steven Weintraub
Robert Andrew Whillans
Donald Duncan White
Franklin Norman Williams
Reginald Alan Willoughby
Carl Douglas Wilson
Dezso Windischmann
Hugh Ashton Winter
Norman Leslie Winton
Theo Wolder
Alan Wolfish

James Charles Edgar Wood
Ronald Frederick Worboy
John Douglas Wright
Thomas Charles Wright
Terrence Howard Loy Young
Lawrence David Zaldin

The Treasurer, Mr. W. G. C. Howland, Q.C., then conferred upon the candidates the degree of Barrister-at-law, and called them to the Bar of Ontario.

The Treasurer then addressed the new members of the Bar.

CONVOCATION THEN ROSE

Following the meeting of Convocation a special sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with the Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario, presiding.

Mr. Stuart Thom, Q.C., presented the candidates to his Lordship who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

Chief Justice Wells then addressed the candidates.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge of the O'Keefe Centre.

Read in Convocation and confirmed this 17th day of April 1970.

W. G. C. Howland,
Treasurer.

MINUTES OF CONVOCATION

Friday, 20th March 1970
10 a.m.

Present:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Arnup, Beament, Bowlby, Callon, Cass, Chappell, Estey, Evans, Goodman, H. E. Harris, W. E. Harris, Henderson, Levinter, Lochead, Martin, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Sheard, Slemin, Steele, Strauss, Thom, Weir and R. F. Wilson.

The Minutes of Convocation of February 20, 1970 were read and confirmed.

The Treasurer announced that there would be a Special Convocation on the 24th April 1970 to consider the Rules and Regulations of the Society.

He reported that on March 12th, 1970 Mr. R. F. Wilson, Q.C., Mr. Kenneth Jarvis, Q.C. and himself had met with Mr. Donald C. MacDonald, Mr. James Renwick, Q.C., Mr. P. D. Lawlor, Q.C., Mr. Walter Pitman and Mr. Hugh Peacock of the New Democratic Party to discuss the proposed Law Society Act. He also reported that on March 13th, 1970 a similar meeting had been attended by Mr. R. F. Wilson, Q.C., Mr. Kenneth Jarvis, Q.C., Mr. B. J. MacKinnon, Q.C., Mr. W. Z. Estey, Q.C., Mr. S. L. Robins, Q.C., and himself with Mr. Vernon Singer, Q.C., Mr. James E. Bullbrook, Q.C. and Mr. Donald Deacon of the Liberal Party.

The Treasurer stated that a Brief had been submitted by the Society respecting the proposals contained in the White Paper on Tax Reform both to the Senate Committee on Banking, Trade and Commerce and to the Standing Committee on Finance, Trade and Economic Affairs of the House of Commons. The Society had requested each Committee to permit the Society to make oral representations in support of its Brief.

The Treasurer also informed Convocation that he had written to the Presidents of each of the County and District Law Associations in Ontario asking for the co-operation of their Associations in postponing any contemplated increases in their Conveyancing and General Tariffs until after December 31st, 1970. He added that the replies received from the Presidents indicated that his request would receive widespread co-operation.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 12th March 1970 at 3:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, and Messrs. Beament, MacKinnon, Robins, Sheard, Slemin and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

Maurice Charles Cullity — Special — Faculty of Law, Osgoode Hall Law School of York University. No fee.

Approved

DIRECT TRANSFER

W. Glen St. John is a member of the Manitoba Bar. Upon completion of the required three years as required by Regulation 2, he intends to apply to transfer to Ontario. He asks that the Committee confirm that his service with the Canadian Transport Commission in Ottawa would qualify as service with a department of the Government of Canada as required in the Society's Regulation 4.

Your Committee recommends that he be advised that practice with the Canadian Transport Commission would satisfy Regulation 4 as being practice with a Department of the Federal Government.

DIRECT TRANSFER OF NOTARY FROM THE PROVINCE OF QUEBEC

Gerald Kerwin (B.A. degree and B.C.L. degree from McGill University) was commissioned as a Notary in October, 1959, in the Province of Quebec, where he has practised continuously to the present. He presents a Certificate from the Chambre Des Notaires Du Quebec and seeks to proceed under Regulation 5. *Approved*

UNITED KINGDOM SOLICITOR

Gerald Francis Gillespie presents a current practising certificate from the Law Society of Scotland. He seeks to proceed under Regulation 8. *Approved*

COMMONWEALTH TRANSFERS

Fazleali Abdultayah Adamjee (LL.B. University of Birmingham 1960) was admitted to Lincoln's Inn in 1957 and called to the Degree of Utter Barrister in 1962. He became a member of the Tanganyika Law Society in April, 1962 and in January, 1963 he was admitted to practice as an Advocate in the High Court of Tanzania where he is presently practising. Mr. Adamjee was approved to proceed under Regulation 10(b) in November, 1969. He now asks exemption from writing the preliminary examination as required under the terms of Regulation 10(b), as he states he already holds two English legal qualifications.

Your Committee recommends he be advised he must write the examinations to proceed under the Regulation.

Chan Yew How (LL.B. University of Singapore 1962) completed a postgraduate course of instruction, University of Malaya, 1962. He was called to the Malayan Bar January, 1963 and to the Singapore Bar February 1965. Mr. How submits a certificate of standing from the Malacca Bar Committee. He has practised continuously to the present in Malaysia and seeks to proceed under Regulation 10(b).

At the October, 1969 meeting the Committee recommended that this matter stand pending advice on the meaning of the term "British subject" in the context of the Barristers and Solicitors Act and the new Law Society Act. The Secretary wrote the Secretary of State in this regard. A letter has been received from the Honourable Robert Stanbury, Minister without Portfolio, now Minister responsible for Citizenship, and is before the Committee, indicating that citizens of Malaysia are British subjects. *Approved*

Abdus Sami (LL.B. University of Sind, Hyderabad Sind (West Pakistan) 1962) was enrolled as an Advocate by the Bar Council, Uttar Pradesh, India in December, 1963, where he has been in active practice until coming to Canada in September, 1969. He presents a letter from the Secretary of the Bar Council of Uttar Pradesh dated January, 1970, and seeks to proceed under Regulation 10(b). *Approved*

BAR ADMISSION COURSE — TEACHING PERIOD ONLY

Frederick Phillips was called to the Bar and admitted as a Solicitor in Ontario in April, 1962. Although remaining a member of the Law Society of Upper Canada, he has not engaged in the active practice of Law in Ontario. Mr. Phillips has been with a branch of the Federal Government and is presently employed as a federal civil servant with the Canadian International Development Agency, on posting in Kingston, Jamaica. He is considering the possibility of returning to practise law and after his long absence feels this course of action would be somewhat difficult without some form of refresher training. He asks if arrangements could be made for him to take the teaching period of the Bar Admission Course.

Your Committee recommends he be allowed to attend the lectures of the teaching period of the Bar Admission Course.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 12th day of March, 1970, the following members being present: Mr. Sheard (Chairman), Mr. Beament (Vice-Chairman) and Messrs. Gray, Henderson, Pepper, Robins, Steele, Thom and R. F. Wilson.

ACCOUNTS

The Secretary reports that from 1st February to the 28th February 1970 accounts, including Library Accounts, properly approved, to the amount of $172,290.90 have been paid.

Approved

FINANCIAL STATEMENT, 1st July 1969 to 28th February 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 28th February 1970. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointments to the Bench*

That the following former members of the Law Society have been honoured by their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

Vernon Clifford King, Kenora	Called—20 September 1956. Appointed Dist. Court Judge, Rainy River District — 30 January 1970.
Patrick Thomas Galligan, Q.C., Ottawa	Called—28 June 1956. Appointed Supreme Court Judge, 28 February 1970.

(2) That the following former members of the Law Society have died:

Austin Haynes Bailey, London	Called—15 October 1953; Deceased—27 January 1970.
Yaroslav Hueber, Toronto	Called—17 October 1958; Deceased—4 February 1970.
Hugh John Fisher Stewart, Q.C., Brockville	Called—11 September 1924; Deceased—18 February 1970.
Frederick Thomas Watson, Q.C., Toronto	Called—20 October 1927; Deceased—27 February 1970.
Jeremiah Wilfred Heffernan, Q.C., Vancouver (Honorary Life Member)	Called—25 November 1910; Deceased—January 1970.

Harold Ernest Manning, Q.C., Toronto (Honorary Life Member)	Called—28 May 1915; Deceased—3 March 1970.

(3) That the following former member of the Law Society has ceased to be a British subject or a Canadian citizen, and his name has been removed from the rolls and records of the Society:

Ian Ceresney — Brooklyn, New York; Called—19 April 1963. Became a citizen of the United States—February 1970.

Noted

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1969. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

Re: Photography Equipment

At its meeting today (March 12, 1970) the Libraries and Reporting Committee approved the expenditure of $1,400 for the purchase of photography equipment, subject to the approval of the Finance Committee. *Approved*

ARREARS OF ANNUAL FEES

The Secretary submits a list of 176 members who are in arrears for fees of whom 25 are in arrears for more than one year and are therefore liable to suspension.

Your Committee recommends that a letter be written to all members in arrears for fees for a period of more than one year, informing them that unless their arrears are paid by April 7th, 1970, a notice will be served on them notifying them that a resolution as to their suspension from practice will be considered at Convocation on the 17th April 1970.

BUILDING COMMITTEE — *Alerations to Law Society Buildings*

A letter from Mr. Arthur Heeney, the Society's Architect, dated February 25, 1970, is before the Committee reporting on the final cost of the mahogany panelling in room 101, and in addition suggesting that consideration be given to the supply and installation of the Society's Coat of Arms, carved in mahogany, painted in colour to suit and installed in the panelling on the east wall, directly opposite the main entrance doors to the reception area. The cost of the work would not exceed $500. *Approved*

A further letter from Mr. Heeney is before the Committee recommending that the "Fabrilite" plastic wall covering in parts of the cafeteria be removed as part of the normal maintenance programme, and the space cleaned and painted at a cost of $550. *Approved*

ONTARIO BRANCH, *Canadian Bar Association*

A letter has been received from Mr. W. L. N. Somerville, Q.C., Vice-President for Ontario, Ontario Branch, C.B.A., inquiring if it might be possible to rent from the Society about 700-750 square feet of space in Osgoode Hall for their permanent office.

Your Committee recommends that he be advised that the request is viewed sympathetically, but that until renovations in Osgoode Hall are complete the Society will not know whether space will be available.

ANNUAL MEETING AND MID-WINTER MEETING,

Ontario Branch, C.B.A.

Mr. J. R. Finley, Treasurer, Ontario Branch, C.B.A., has forwarded to the Society a statement of the charges for the reception and luncheon sponsored by the Society on February 7th, 1970, in the sum of $3,733.60. *Approved*

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

RE: REGULATION

Your Committee reported to Convocation on February 20th, 1970, with respect to the revised Rules of the Discipline Committee. The matter was referred back to the Committee for further consideration.

Your Committee met on Thursday the 12th of March 1970, at 10:00 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Beament, Bowlby, Gray, Henderson, Lochead, Pepper, Slemin, Steele, Strauss and Thom.

Your Committee approved of the Regulation to be adopted as the Regulation of the Law Society with respect to the Discipline Committee.

THE REPORT WAS ADOPTED.

RE: COMPENSATION FUND

The Report as to the Compensation Fund as at February 28, 1970, was received.

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF JOHN AMBROSE REGAN OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR.

As a result of the Solicitor's failure to file his 1967 Annual Return the Society's Accountants were instructed to inspect his books and records and on the basis of the Accountants Interim Report, Notice of Complaint was issued against the Solicitor returnable on Tuesday, May 27th, 1969. Following the issuance of this Notice a letter of complaint was received by the Secretary's Office and a second Notice of Complaint was issued against the Solicitor returnable on the same date. Your Committee consisting of Messrs. Strauss (Chairman), McLaughlin and Thom met at the appointed time but the Solicitor failed to appear. Both Notices of Complaint had been served personally on the Solicitor.

The first Notice of Complaint reads as follows:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you: Contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed to maintain proper books of account as required by those Rules."

On the evidence before it your Committee finds the Complaint to be established.

The second Notice of Complaint reads as follows:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you: Failed to account for the sum of $100 received by you in about February or March 1964 from one, Gary Patfield, on behalf of the estate of Annie Amelia Waldie."

On the evidence before it your Committee finds the Complaint to be established.

Your Committee appreciates that the Solicitor is presently under suspension by the Law Society for non-payment of fees. However, your Committee is quite concerned with the Solicitor's attitude as reflected by the Accountant's Report and his failure to appear before the Committee on the appointed day and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Your Committee's Report on the above Solicitor dated the 6th day of June, 1969, was presented to Convocation on the 20th day of June, 1969. This Report found certain complaints against the Solicitor established and recommended the Solicitor's disbarment. The Report also showed that the Solicitor did not appear before your Committee to answer the complaints against him. The Solicitor did, however, attend Convocation on 20th June, 1969, and asked that the matter be referred back to your Committee so that he (the Solicitor) would have an opportunity to present evidence. Convocation granted this request on condition that the Solicitor undertake not to engage in the practice of law until this matter was disposed of and to advise the Society of any change in his address. The Solicitor orally gave these undertakings and was advised by Convocation that your Committee would reconvene on 8th July, 1969, to hear his evidence. It subsequently became inconvenient for your Committee to meet on this date.

Your Committee met on the 24th day of February, 1970, at 10:00 a.m., consisting as before of Messrs. Strauss (Chairman), McLaughlin and Thom. Notice of this meeting was forwarded by prepaid registered post to the Solicitor's last known office and residence addresses. Notice was also published in the February 13th, 1970 edition of *The Globe and Mail*, Toronto. This Notice read as follows:

> "THE LAW SOCIETY OF UPPER CANADA
>
> IN THE MATTER OF The Law Society Act AND IN THE MATTER OF John Ambrose Regan of the City of Toronto, a Barrister and Solicitor.
>
> TO: John Ambrose Regan
>
> Take notice that pursuant to your request to Convocation on the 20th day of June 1969, the Discipline Committee of the Law Society will meet at the Society's Rooms in Osgoode Hall in the City of Toronto on Tuesday, the 24th day of February, 1970, at the hour of 10:00 o'clock in

the forenoon for the purpose of considering the Report of the Discipline Committee concerning yourself dated 6th day of June, 1969, and which Convocation referred back to the Discipline Committee at your request. You may appear in person or by Counsel before the Committee with your witnesses, if any, at the time and place aforesaid.

DATED at Osgoode Hall, Toronto, this 11th day of February, 1970.

Kenneth Jarvis
Secretary
THE LAW SOCIETY OF UPPER CANADA"

The Solicitor did not attend. The Secretary called the Solicitor's name three times outside the Committee Rooms without response. Your Committee returns its Report dated 6th June, 1969, to Convocation and confirms its recommendation that the Solicitor be disbarred and his name struck off the Rolls of the Law Society of Upper Canada.

Messrs. Goodman, Martin, McLaughlin and Thom were not present throughout the consideration of the matter and so took no part in the discussion and did not vote.

The solicitor did not attend. He was called but there was no reply.

The Chairman filed Proof of Service by publication in *The Globe and Mail*, Toronto, of March 9th, 1970, and the affidavit of Mr. Thomas Hocking as to service on the solicitor by registered mail addressed to his last business and residence addresses on the Society's records.

The Chairman reported that the solicitor is in breach of his undertaking to Convocation that he would advise the Society of any change of address, and in breach of his undertaking to attend for the purpose of appearing before the Discipline Committee on the 8th July 1969.

The Chairman also advised that following the solicitor's failure to appear on the 8th July 1969 a firm of private investigators was retained by the Society to locate him, but reported in October that they had been unsuccessful. Accordingly it was decided to try to give him notice of further meetings by publication in the newspaper.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted. *Carried*

IT WAS ACCORDINGLY ORDERED

1. THAT The Report of the Discipline Committee in the matter of JOHN AMBROSE REGAN, Barrister, a member of this

Society and a Solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JOHN AMBROSE REGAN guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said JOHN AMBROSE REGAN be disbarred.
4. THAT the said JOHN AMBROSE REGAN is unworthy to practise as a Solicitor.

RE: SOLICITOR

The Society received a complaint with respect to the solicitor's professional conduct and an investigation was undertaken. As a result, Notice of Complaint was issued, dated December 29th, 1969, that the Solicitor:

1. Did falsely swear that he was personally present and did see a mortgage duly signed, sealed and executed by one of the mortgagors;
2. Did falsely sign the jurat of the affidavit as to legal age and marital status attached to the said mortgage knowing that the said affidavit was not signed by one of the mortgagors in his presence and that he had not administered the oath to the said mortgagor.

The Notice of Complaint was returnable on the 12th of January 1970. Your Committee, composed of Mr. Arthur Pattillo, Chairman, and Messrs. Williston and P. D. Wilson, met at the appointed time. The solicitor attended and sought an adjournment, which was granted to February 11th 1970 at 10:00 o'clock in the forenoon.

On that day your Committee was composed of Mr. H. F. McCulloch, Chairman, and Messrs. Thom and P. D. Wilson.

The mortgagor in question had executed the mortgage and affidavit at home, after her husband who was the other mortgagor had executed the mortgage and sworn his affidavit in the solicitor's presence. The solicitor had told the husband that his wife would have to come in and sign the mortgage and swear her affidavit. There was evidence that the solicitor was usually meticulous as to the proper execution of documents and the swearing of affidavits.

Upon the evidence before it, the majority of your Committee finds each specific complaint to be established, and recommends that the solicitor be reprimanded in Convocation and that the fact of his reprimand be published without the publication of his name.

Messrs. Goodman, Levinter and MacKinnon were not present throughout the proceedings, took no part in the discussion, and did not vote.

The solicitor attended without counsel, and in reply to a question stated that he would not object to the publication of so much of the Report concerning him as Convocation might consider proper.

The solicitor retired.

The Report was adopted.

The solicitor returned and was reprimanded by the Treasurer.

NOTICE OF MOTION

Mr. Bowlby gave notice orally that he will move, seconded by Mr. O'Driscoll, at the next Convocation that a committee be formed to consider whether past decisions in Convocation in discipline matters could be documented, preserving the anonymity of those involved but making precedents available to counsel and others.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

Maurice Charles Cullity — Toronto — Special — Professor, Faculty of Law, Osgoode Hall Law School of York University.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 12th day of March, 1970, at 3:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Henderson, MacKinnon, Sheard, Slemin, Thom and R. F. Wilson.

BAR ADMISSION COURSE FACULTY

Resignation of F. R. Hume, Q.C.

The Director informed the Committee that Mr. F. R. Hume, Q.C., has resigned as the Head of the section on Commercial Law.

Your Committee recommends that Mr. Hume's resignation be accepted with regret.

MERGER OF SECTIONS ON COMPANY LAW AND COMMERCIAL LAW

The Director recommends the merger of the above two courses with the present heads of Company Law, Messrs. Purdy Crawford and J. R. Ground, becoming the Heads of the combined section. *Approved*

PETITIONS

Joseph Sheldon Balitsky entered the Bar Admission Course in September 1969, and is presently serving under articles with Henry A. Malcolmson, Esq. At its meeting on 12th February, 1970, the Committee had before it a petition from Mr. Balitsky asking permission to postpone the lecture period of the Bar Admission Course for a year or so as he "would like to do further study in an area of law". The Committee recommended that the matter be adjourned for further particulars.

A letter from Mr. Balitsky is before the Committee stating he wishes, commencing September, 1970, to spend a year or two in Israel under a scholarship offered to him at Yeshiva College to pursue further study in the area of Talmudic law.

Your Committee recommends that he be allowed to postpone up to two years his entrance into the teaching period of the Bar Admission Course.

Ian Alexander Hunter entered the Bar Admission Course in September 1969, and is presently serving under articles with the Department of Justice, Toronto. Mr. Hunter would like to accept a two year teaching appointment in the Department of Law, Carleton University, and asks permission to defer commencing the teaching period of the Bar Admission Course until September, 1972. *Approved*

RESOLUTION OF THE ONTARIO BRANCH OF THE CANADIAN BAR ASSOCIATION

A letter from Mr. Harry Macdonell, Secretary of the Ontario Branch of the Canadian Bar Association, dated 23rd February, 1970 informs the Society that the following Resolution was passed by the members of the Branch at their meeting in the Royal York Hotel on Saturday, 7th February, 1970, having been moved by D. H. L. Lamont, Q.C. and seconded by Professor W. M. H. Grover, and carried:

> "Be it Resolved That the Law Society of Upper Canada be requested to consider taking such action as may be necessary to provide that professional training after law school and before the call to the Bar, should commence June 1st and run for one year, and any teaching during this period should be held at several regional centres in the province."

Your Committee recommends that Mr. Macdonell be advised that this resolution will be submitted to the Special Committee on Legal Education to be appointed.

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Pepper

Your Committee met on the 12th day of March 1970, at 9:00 o'clock in the morning, the following members being present: Mr. P. B. C. Pepper, Vice-Chairman, in the Chair, and Messrs. Callon, Evans, Gray, MacKinnon, Slemin and Strauss.

1. Law Society Rules

Your Committee reviewed the Rules of the Law Society as they relate to this Committee and made recommendations as to their amendment.

2. Ruling 10 — Signs and Letterheads

Your Committee gave permission for a member who is also a graduate engineer to use the letters "P.Eng." on his letterhead.

Your Committee considered other matters of a routine nature and issued the necessary instructions to the Secretary.

Moved by Mr. Beament, seconded by Mr. Callon, that paragraph 2 be amended by the addition of the words — "and a member in good standing of the Association of Professional Engineers" after the word "engineer". *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 12th of March, 1970, the following members being present: Messrs. Steele, Chairman, Cassels and Strauss and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 28th February, 1970, were approved.

THE USE OF MICOFICHE AND READERS AND READER-PRINTERS

At an earlier meeting of your Committee, the Chief Librarian was instructed to make certain inquiries and report back to the Committee her recommendations as to the most suitable (for Library purposes) microfilming and Reader equipment available. The Chief Librarian reported that the Supreme Court Offices wish to dispose of a camera which would be very suitable for microfilming purposes in the Great Library. The initial cost of this camera is about $6,000.00 but it can now be obtained for a price of $1,400.00. Subject to the approval of the Finance Committee, your Committee recommends that this camera be purchased.

BOOKS FOR APPROVAL

A list of books purchased by the Great Library was approved.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1969. The amount of the grant which they should receive under the Rules in 1970 and that which they received are as follows:

	1969	*1970*
Dufferin	$ 600.00	750.00
Huron	625.00	830.00
Kent	1,350.00	1,915.00
Perth	1,060.00	1,390.00
Stormont, Dundas & Glengarry	766.67	1,011.67
Thunder Bay	1,225.00	1,628.00

Waterloo	1,850.00	2,000.00
York	3,500.00	3,500.00
Elgin	875.00	1,355.00

Approved

REPORTING

CONTRACT FOR PUBLICATION OF ONTARIO REPORTS

The Society's contract with Canada Law Book Limited for the publication of the Ontario Reports expires on 31st December 1970. With the approval of the February Convocation, letters were forwarded to all law book publishing companies in Ontario inviting these companies to let the Society know if they would be interested in publishing the Ontario Reports from and after 1st January 1971. Three of these companies — Canada Law Book Limited, The Carswell Co. Ltd., and Butterworth & Co. (Canada) Ltd. — have expressed an interest and each company has now been requested to submit to your Committee by no later than 30th April 1970 their proposals for publication of the Ontario Reports.

INSERTION AND RETRIEVAL OF LEGAL INFORMATION FROM THE COMPUTER — QUEEN'S UNIVERSITY RESEARCH

Your Committee considered a letter from Professor Hugh Lawford of Queen's University requesting a meeting with the members of your Committee to discuss the University's plans for computer research and to seek permission to make use of the Ontario Reports in this research. Your Committee decided that it should meet with Professor Lawford, and instructed the Secretary of the Committee to arrange a convenient time for this meeting. Your Committee also intends inviting the members of the Planning Committee to attend this meeting.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 12th of March, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Callon, Henderson, Lochead and Steele.

NOTARIES PUBLIC

Your Committee considered correspondence concerning two Notaries Public apparently acting for purchasers in real estate transactions and both matters were referred to Counsel for investigation and opinion.

Your Committee considered a number of routine matters and the appropriate instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 11th day of March, 1970, and Thursday, the 12th day of March, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Caldbick, Fairbairn, Levinter, Lochead and O'Driscoll.

Mr. H. R. Dignam, Director, Legal Aid Assessment Branch, Department of Social and Family Services, attended the meeting at the invitation of the Committee.

DEPARTMENT OF SOCIAL AND FAMILY SERVICES LEGAL AID ASSESSMENT BRANCH

Mr. H. R. Dignam, Director, Legal Aid Assessment Branch, Department of Social and Family Services, attended the meeting by invitation to review the proposed new personal and financial data forms which the Department has designed to enable an Area Director to more accurately assess a legal aid applicant's financial eligibility and/or contribution.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of January, 1970.

This report indicates that for the 10 months ended January 31st, 1970 actual expenditure exceeded budgeted expenditure by a net amount of $519,000. This is primarily due to the increase in the number of divorce accounts being paid. Projecting this over-expenditure through to the end of the fiscal year March 31st, 1970 it is evident that our total expenditure for the year will exceed the total budget of $7.4 million by an amount of approximately $750,000. It should be noted that receipts from contributing clients and receipts in respect of client recoveries for the 10 month period have exceeded anticipated recoveries by an amount of $128,000.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 10 months ended January 31st, 1969.

The month of January, 1970 shows an increase in legal aid applications received and certificates issued when compared to the month of January, 1969. We are aware that this increase continued through the month of February, 1970 and while it is too early to be definitive it is possible that the increased activity may be due to the current economic situation. For example, an increase in the current rate of unemployment may well bring more persons in search of Legal Aid.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended February 28th, 1970.

(b) The Legal Accounts Officer submitted a report for the month of February, 1970 with respect to reviews and appeals.

(c) *Re Commission Evidence*
Divorce Actions

Your Committee reviewed a memorandum from the Legal Accounts Officer on the subject of requests from solicitors who engage out-of-the-Province Commissioners to obtain commission evidence of adultery which may be necessary to support a divorce petition.

The Committee advised the Legal Accounts Officer that in their opinion a request to engage a solicitor out of the Province to act as a Commissioner to obtain commission evidence would come under Schedule 6, Item ix of the Regulation which refers to "any other proper out-of-pocket disbursements" and that the Legal Accounts Officer should not deny the request in an appropriate case.

(d) Your Committee reviewed correspondence from L. H. Tepper, Solicitor, who wrote the Legal Accounts Officer with respect to Empire Skip Tracing Limited of Vancouver, B.C. who advised the solicitor that they trace anywhere in the world and make no charge unless the "locate" is made; further their fee is only $25.00. The solicitor felt that this would be a good investment and would cost less than newspaper advertising in cases where the respondent spouse in a divorce action cannot be located.

The Committee suggested that the Legal Accounts Officer write Mr. Tepper informing him that he may proceed. However, it was felt that this approval should be on a trial basis; one or two "locates" might be given to this tracing agency before a definite referral pattern was established.

(e) The Legal Accounts Officer submitted a memorandum to the Committee with respect to a solicitor who submitted an account for a divorce action requesting a bulk fee of $600.00 plus disbursements of $187.21, $50.00 of which having been paid to a private investigator without prior written approval under Schedule 6 of the Regulation. In addition, the solicitor had agreed not to enforce costs if they were awarded. The court, in fact, awarded costs and the Legal Accounts Officer directed them to be taxed.

It was the opinion of the Committee that the Legal Accounts Officer should write the solicitor informing him that the Legal Aid Plan intends to tax the costs and to collect them. If the solicitor wishes to make arrangements with the respondent's solicitor, this is not of concern to the Legal Aid Plan. Further, payment of the private investigator's fee should be disallowed.

AREA DIRECTORS' MEETING

The Committee instructed the Director to make arrangements for a two-day meeting of area directors to be held on May 20th and 21st, 1970 at Osgoode Hall.

CANCELLATION OF CERTIFICATES
SECTIONS 63, 64 & 66 of the Regulation

Your Committee considered correspondence from a solicitor who requested cancellation of a certificate which had been issued to "institute an action for damages as the result of the negligent operation of a motor vehicle". A settlement was offered in the sum of $28,500 plus reasonable costs and the solicitor subsequently requested cancellation of the certificate.

Your Committe reviewed in depth the following two questions:

1. can a certificate be cancelled at the request of the legal aid client?
2. can an offer of settlement in the lawsuit for which a certificate is issued be construed as a change in circumstances, disentitling a client to the certificate, under Section 66 of the Regulations?

Your Committee reviewed Sections 63, 64 and 66 of the Regulation.

The Committee concluded that a certificate cannot be cancelled at the request of the client under Section 64, but can be discharged under Section 63 providing subsections (b), (c) and (d) of Section 63 are complied with, and that it is clearly not a change in circumstances under Section 66.

CORRESPONDENCE

The Committee reviewed correspondence from T. E. Quinlan, Area Director, Lincoln County, wherein he recommended that The Wages Act be amended to add the Ontario Legal Aid Plan to the section which permits credit unions to take wage assignments.

The Committee instructed the Director to thank the Area Director for his suggestion and inform him that the matter will be considered.

STUDENT LEGAL AID SOCIETIES

(a) Your Committee approved the establishment of a Student Legal Aid Society at Queen's University to operate under Sections 77 and 78 of the Regulation, the approval to carry with it the following four conditions:

1. The Society should make arrangements with the local Area Director for each applicant who is referred to the Student Legal Aid Society to bring with him a "certificate of referral" signed by the Area Director or a person authorized by him.
2. Before undertaking any service with respect to an applicant so referred, the Society should ensure that each applicant signs a consent form, to be maintained on file, which clearly indicates that any assistance rendered to the applicant by the Society is to be provided by a law student and not a practising solicitor. A copy of the consent should be provided to the applicant.
3. The Society should, under the signature of a faculty member, provide the Provincial Director (with a copy to the Area Director) with a monthly report setting out the number and nature of the matters dealt with by the Society and the manner of their disposition (a copy of the University of Toronto's first report might be forwarded to the Dean to indicate the appropriate form of the monthly report).
4. At the conclusion of the first six months of operation of the Society or at the end of the academic year in which it commenced operation, whichever comes first, a report summarizing the operations of the Society during the first six month period should be provided to the Provincial Director by the Dean with his comments if any.

Dean Soberman should be advised that a report should be made to the Area Director in every case where a person comes into the office of the Student Legal Aid Society with a legal problem but without a certificate of referral. The Society should not proceed to assist such person if, in the Area Director's opinion, a certificate for legal aid *might* be granted. All such persons should be referred to the appropriate Legal Aid office.

(b) F. J. Cornish, Q.C., Area Director, York County, wrote the Director suggesting that the Committee give consideration to the employment of two students during the summer months to continue the work of the Student Legal Aid Societies in York County.

Your Committee approved the employment by the York County Area Director of two law students during the summer months for the purpose of:

a) continuing during the summer months and to the extent possible, the work of the Student Legal Aid Societies which do not operate during summer vacation, and

b) to assist, if necessary, with the work in the York County area office when it is shorthanded during the summer months.

It was suggested by Lyle Fairbairn and adopted by the Committee that the Committee recommend to the York County Area Director that he employ for this purpose, if possible, the two students at the respective law schools (Osgoode Hall Law School and University of Toronto Law School) who are likely to be most involved with the administration of the Student Legal Aid Societies in the succeeding academic year.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Norfolk County

W. D. Drinkwalter, Crown Attorney
Keith C. Bannister, Local Registrar
Walter Brightman, Probation Officer

Lambton County

Raymond V. Donohue, Solicitor, Sarnia

District of Cochrane

Harold Gauthier, Q.C., Timmins
Rev. Desmond O'Connor

The following resignations were noted:

Norfolk County

Franklin M. Reid, Crown Attorney
Francis Vernon Dedrick, Local Registrar
Ernest A. Whibley, Probation Officer.

THE REPORT WAS ADOPTED.

Convocation was adjourned for lunch at 12:30 p.m.

The Treasurer and Benchers had as their special guests at luncheon the Honourable Paul Martin, P.C., Q.C., Government Leader in the Senate, the Honourable Charles S. MacNaughton, Treasurer of Ontario and Minister of Economics, Mr. J. W. Westaway, President, Excelsior Life Insurance Company, Dr. Stuart E. Rosenberg, and Mr. Paul B. Pickett, Q.C., Member of the Executive Committee of the City of Toronto.

Convocation resumed at 2:25 p.m., a quorum being present.

SPECIAL COMMITTEE ON INTEREST ON TRUST ACCOUNTS—Mr. Arnup

Your Committee met on February 12th at 2:00 p.m., the following members being present: Messrs. Arnup, Chairman, Goodman and Henderson.

The Chairman reviewed what had taken place since this committee last reported to Convocation, in February, 1969, resulting in the passage of Ruling 21.

The scheme enacted in British Columbia by the legislation of 1969 is now in effect. The key section is as follows:

> "71. 1.(1) A solicitor shall not be liable, by virtue of the relation between solicitor and client or by virtue of the relation between the solicitor as trustee and a cestui que trust, to account to any client for interest received by the

solicitor on moneys deposited in a bank or trust company being moneys received or held for or on account of his clients generally.

"(2) A solicitor who is credited by a bank or trust company with interest on moneys received or held for or on account of clients generally shall be deemed to hold the interest in trust for the foundation, and shall remit the interest to the foundation, in accordance with the rules of the Society, and the Society shall make rules to ensure that all interest so credited to the solicitor be paid to the foundation.

"(3) Nothing in this section or in the rules made pursuant to this section shall

(a) affect any arrangement in writing, whenever made, between a solicitor and his client as to the application of the client's money or interest thereon; or

(b) apply to money deposited in a separate account for a client at interest that shall be and remain the property of the client."

The "foundation" referred to is a new corporation called "Law Foundation", with a Board of Governors of seven members, one of whom is the Attorney-General or his appointee, one is a non-lawyer appointed by the Attorney-General and five are members of the Law Society appointed by the Benchers.

The purpose of the foundation "is to establish and maintain a fund to be used for the purposes of legal education, legal research, legal aid, law reform, and the establishment, operation, and maintenance of law libraries." The application of funds is in the discretion of the Board of Governors, but section 71G (3) provides:

> "No part of the income of the foundation shall be payable to or otherwise available for the personal benefit of any member of the Board of the foundation or of the Law Society of British Columbia or any member thereof."

It has been said that this scheme went into operation with the co-operation of the Pacific Branch of the Canadian Bankers' Association. An informal approach was made by Mr. Arnup to the President of the Canadian Bankers' Association with a view to discussing what arrangements might be possible in Ontario, but the president of that association stated that the arrangements in British Columbia had only recently been put into effect and the association had as yet "no indication as to its working". He therefore suggested that the discussion be deferred for three months and that in the meantime he would discuss the matter with his colleagues in the Canadian Bankers' Association.

It is to be noted that the British Columbia plan is voluntary and it is still open to a solicitor.

(a) to keep trust funds in a current account;
(b) to make any arrangement in writing with his client referable to interest;
(c) deposit the moneys of a particular client in a separate account, the interest from which is the property of the client.

It is obvious that if a substantial proportion of Ontario lawyers elected to come under some voluntary plan such as that adopted in British Columbia, the vehicle chosen as the recipient of some or all of the interest would very quickly be in receipt of very substantial sums.

The Chairman reported that to his knowledge some firms at least have adopted some system under which the express sanction of their clients is obtained to the retention by the solicitors of the interest from a trust account, even though this involves rather cumbersome procedures.

We discerned throughout the legal profession a very strong view that there is no justification for the banks and trust companies having the free use of such very large amounts of money, in an era of high interest rates.

The committee is unanimously of the view that no part of the interest should be applied for a purpose which could be said to be for the personal benefit of lawyers or for the direct benefit of the Law Society, which represents all lawyers. This underlies our opposition to the diversion of any funds towards errors and omissions insurance (which lawyers would otherwise have to pay personally) or towards the compensation fund (which the lawyers instituted and have publicized as an expense made by them in administration of their corporate solidarity in supporting the integrity of the legal profession.

We do recommend that an approach be made to the Attorney-General at this time, in general terms, indicating that the Law Society is considering favourably a voluntary plan, generally similar to that adopted in British Columbia, and not operated solely by the benchers, with the ultimate objects of the fund to contain several alternatives, with discretionary power in the controlling board to choose from time to time those purposes which seem most appropriate. If the Attorney-General is favourably disposed towards such a program then further discussion should take place at once with the Canadian Bankers' Association.

Moved by Mr. O'Driscoll, seconded by Mr. Chappell, that the Society adopt a scheme along the lines of the British Columbia plan, and seek legislation to bring it about.

Carried

Moved by Mr. Robins, seconded by Mr. O'Brien, that the fund be used for legal education, legal research, law reform and law libraries including information retrieval.

Carried

Moved in amendment by Mr. Goodman, seconded by Mr. Weir, that one-third of the fund be used for the purposes mentioned by Mr. Robins, one-third for legal aid, and one-third to be given to the lawyer handling the trust account.

Lost

Moved by Mr. Arnup, seconded by Mr. Callon, that the Treasurer be authorized to discuss this matter with the Attorney General at such time as the Treasurer sees fit.

Carried

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

Your Committee met on Thursday, March 12th, 1970 at 11 a.m., the following members being present: Mr. Pepper, Chairman, and Messrs. Cassels and Steele.

Your Committee considered whether payments to deserving applicants should be lump sums or periodic payments and upon what evidence the Committee should act in deciding whether to give assistance. Your Committee recommends that its approach should remain flexible, but that periodic payments are in most instances more appropriate. Your Committee concluded that since, even in its brief experience, the circumstances of applicants vary so widely, the best and fullest information should be obtained and in each case the application should be supported by a Statutory Declaration by the applicant as to income and means. In order to save the expense to the applicant of having a declaration prepared and sworn it is intended that this be done wherever possible by the Society's staff at Osgoode Hall.

Your Committee recommends that the Chairman be given authority to make payments of a maximum of $500.00 to applicants in cases of emergency without prior approval of Convocation.

Your Committee had before it five applications and recommended that grants be made to two of the applicants.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON FEES (1970)—Mr. Sheard

Your Special Committee has now met on two occasions; once on Thursday, 12th February, 1970, the following members being present: Messrs. Sheard (Chairman), Beament, Fennell, O'Brien and Common — and again on Thursday, 12th March, 1970, the following members being present: Messrs. Sheard (Chairman), Beament, Common and O'Brien. At its second meeting your Committee had before it correspondence from other Societies in Canada and the Commonwealth as to their fee structures.

Your Special Committee recommends the following:

RULE RESPECTING MEMBERS AND FORMER MEMBERS WHO HAVE RETIRED

1. A member who,
   (a) is over 65 years of age; and
   (b) has permanently retired;
   may apply to the Society to continue his membership at a reduced annual fee of $25.
2. A former member who,
   (a) resigned his membership in the Society prior to the effective date of this Rule but would have been entitled to apply to continue his membership under the provisions of this Rule had it been in force at the date of his resignation; and
   (b) has permanently retired but wishes to resume his membership in the Society;
   may apply to the Society to have his membership restored at the reduced annual fee set out in this Rule without payment of a fee on re-admission.
3. Convocation may allow any application duly made under the provisions of this Rule upon such terms and subject to such conditions as it may prescribe.
4. So long as a member is entitled to the privilege of paying a reduced annual fee under the provisions of this Rule, such member shall not be liable to pay any Compensation Fund levy.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Pepper

Your Special Committee consisting of Messrs. Cassels, Chairman, Gray, McLaughlin and John Honsberger (Curator), has now given careful consideration to the question of suitable quarters for Muniments and Memorabilia. In this connection, members of your Special Committee have toured parts of Osgoode Hall. Your Special Committee recommends the third floor of the Benchers quarters as being most suitable as quarters for Muniments and Memorabilia and asks Convocation to set these rooms aside for this purpose. These quarters are located directly above the Benchers' Library, Hallway and Convocation Room, and are presently being used for library storage.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letters from the Honourable G.A. Gale, Chief Justice of Ontario, the Honourable Mr. Justice Hughes, Mr. John Dauphinee, General Manager, The Canadian Press, and Mr. D.S. Anderson, Vice-President, The Royal Bank of Canada, thanking the Treasurer and Benchers for being entertained at luncheon at Osgoode Hall.

Letter from the Right Hon. Lord Gardiner thanking the Treasurer for the copy of the Law Society Gazette which was forwarded to him.

Letter from Mrs. R.M.W. Chitty thanking the Treasurer and Benchers for the expressions of sympathy, and flowers, received at the time of her husband's death.

Ordered that the correspondence be received and filed.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 17th day of April, 1970.

"W. G. C. Howland"
Treasurer.

MINUTES OF CONVOCATION

Friday, 17th April 1970
9:30 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.), and Messrs. Arnup, Bowlby, Callon, Cass, Cassels, Chappell, Clement, Dubin, Estey, Evans, Fennell, Goodman, Gray, Henderson, Levinter, Lochead, Maloney, Martin, McCulloch, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Raney, Robinette, Robins, Sedgwick, Seymour, Sheard, Slemin, Steele, Strauss, and Thom.

The Treasurer reported to Convocation that second reading had been given the proposed new Law Society Act, and that he and the Secretary had attended the Legislature during the debate.

He also reported on the Conference of the Governing Bodies in Winnipeg which he and the Secretary had attended. Mr. Arthur Pattillo, Q.C., had also attended as President of the Canadian Bar Association. The Conference considered the White Paper on Taxation, Errors and Omissions Insurance, the Report of the Economic Council of Canada on Competition Policy, Specialization in the Practice of Law, and the appointment of a special committee to consider uniform transfer arrangements and the law course curricula.

The Conference adopted a motion supporting the opposition of each Governing Body to the White Paper proposals respecting the accrual basis of taxation and the inclusion of unbilled accounts in income. A copy of this resolution was supplied to the Treasurer who was requested to make it known to the Senate and House of Commons Committee.

A Special Committee on Uniform Standards for Admission to the Practice of Law was appointed: Mr. W. G. C. Howland, Chairman, and Messrs. A. Lloyd Caldwell, Q.C., Dean George F. Curtis, Q.C., Keith E. Eaton, Claude Gagnon, Q.C., W. H. Hurlburt, Q.C., Kenneth Jarvis, Q.C., Dean Gerald E. LeDain, Q.C., and Walter C. Newman, Q.C.

With respect to the White Paper on Taxation, the Treasurer advised that he had attended before the Senate Committee with Mr. Thom, and that they had made oral submissions on the Society's behalf, and the resolution of the Conference of Governing Bodies was communicated to the Committee.

The Treasurer informed Convocation that he had written to the Attorney-General that the Society favoured the adoption of a scheme along the lines of the British Columbia plan for the utilization of interest on mixed trust accounts for legal education, legal research, law reform and law libraries, including information retrieval. The Attorney General had replied stating that he wishes to consider the whole matter further.

SPECIAL COMMITTEE ON LEGAL EDUCATION

At its meeting on the 13th November 1969 the Legal Education Committee recommended, and Convocation on the 21st November 1969 approved the recommendation, that a subcommittee be appointed by the Chairman to consider the whole process of legal education in Ontario, and to make recommendations to that Committee. The following sub-committee was appointed: Messrs. MacKinnon (Chairman), and Arnup, Gray, Henderson, Robins and Thom.

The Sub-Committee met on the 27th January 1970 and reported to the Legal Education Committee on the 12th February 1970. The Legal Education Committee made the following recommendations:

1. That Convocation authorize the Treasurer to appoint a Special Committee to be called The Special Committee on Legal Education;
2. That the Special Committee may include as part of its membership representatives of the judiciary, the Bar, law faculties in Ontario, governing bodies of universities in Ontario, law students and students-at-law;
3. The area of concern and study of the Special Committee will be without being restrictive, the length and content of the university programmes and of the Bar Admission Course (both articling and teaching portions) and all matters relevant thereto, and shall make recommendations to Convocation thereon.

Convocation on the 20th February 1970 adopted the Report.

The Treasurer has appointed the following Special Committee on Legal Education:

Messrs. B. J. MacKinnon (Chairman)
J. D. Arnup, Q.C.
W. Z. Estey, Q.C.
W. Gibson Gray, Q.C.
G. F. Henderson, Q.C.

S. L. Robins, Q.C.
Stuart Thom, Q.C.
W. B. Williston, Q.C.

D. H. L. Lamont, Q.C.
R. J. Roberts, Q.C.
James C. MacDonald
A. R. A. Scace
Norman MacL. Rogers, Q.C.
The Hon. Mr. Justice Patrick Galligan

Dean Robert S. Mackay, Q.C.
Prof. Derek Mendes Da Costa
(designated by the Committee of Deans)

Brian Pape
George Glover
Terry Platana
(Students: Designated by the Ontario Law Students Association)

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 9th day of April, 1970, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Cass, Estey, Henderson, MacKinnon and Maloney.

Appointment of a Director of the Bar Admission Course

Your Committee recommends that James Colin MacDonald be appointed Director of the Bar Admission Course as of 1st June, 1970.

Petitions

Petitions were received from seven students who failed the Bar Admission Course, all of whom attended and made submissions. Two were represented by counsel.

The Committee considered the submissions and made recommendations thereon.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 9th day of April, 1970, at 2:00 p.m., the following members being present: Mr. R. W. Cass, Vice-Chairman in the Chair, and Messrs. MacKinnon, Robins and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted Certificate of Fitness:

John Swan — Special — Faculty of Law, University of Toronto. Fee $200. *Approved*

DIRECT TRANSFER

Navnitlal Jatashanker Joshi (B.Sc. University of Bombay, India 1955; LL.B. University of Bombay 1957) was called to the Bar of the Province of Alberta and admitted as a solicitor in June, 1966, and is a member in good standing of the Law Society of Alberta. Since the date of his admission he has been employed as a barrister and solicitor in the Department of the Attorney-General, Government of Province of Alberta. He seeks to proceed under Regulation 2. *Approved*

Theodore Joseph Lismer (B.A. University of Manitoba 1953; LL.B. Manitoba 1958) was called to the Bar of the Province of Manitoba and admitted as a solicitor September, 1958, and has been in active practice in that Province to the present. He presents a Certificate of Good Standing and seeks to proceed under Regulation 2. *Approved*

William Lawrence Palk (B.A. University of Manitoba 1932; LL.B. Manitoba 1936) was called to the Bar of the Province of Manitoba and admitted as a solicitor in December, 1936. Mr. Palk also obtained an LL.M. degree from the University of Manitoba in May, 1967. He has been in active practice in Winnipeg, Manitoba, since May, 1966. Mr. Palk seeks to proceed under Regulation 2. *Approved*

UNITED KINGDOM SOLICITOR

Heather Elizabeth Colhoun, solicitor from Northern Ireland, seeks to proceed under Regulation 8 and is asking exemption from the articling period of the Bar Admission Course. She presents a submission giving details of her experience since being admitted as a solicitor in 1960, and her academic achievements.

Your Committee recommends she be allowed to proceed under Regulation 8 to complete the Bar Admission Course including the articling period.

COMMONWEALTH TRANSFERS

Ramaniklal Champsi Kesaria (LL.B. University of Bombay 1951) was admitted as an Advocate of the High Court of Judicature at Bombay in 1951; called to the Bar of High Court of Judicature Bombay 1961 and entered on the Roll of Advocates by the Bar Council of Maharashtra in 1964. He presents a current practising certificate from the High Court of Tanzania, and states he has been practising since 1951 in Eastern Africa. He seeks to proceed under Regulation 10(b).

Approved

S. M. Birjees Nagy (B.A. University of the Panjab 1953; LL.B. University of the Panjab 1955) was admitted as an advocate of the High Court of West Pakistan, Lahore, September, 1957, where he has practised continuously to the present. Mr. Nagy presents a Certificate from the West Pakistan Bar Council. He seeks to proceed under Regulation 10(b).

Approved

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Ottawa, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Gladys May Choquette, B.A., LL.B.

Approved

Moved by Mr. Goodman, seconded by Mr. Chappell, that the matter relating to Heather Elizabeth Calhoun be referred back to the Committee for reconsideration. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 9th day of April, 1970, the following members being present: Mr. R. F. Wilson (in the Chair), and Messrs. Fennell, Gray, W. E. Harris, Henderson, Levinter, Pepper, Robins and Steele.

ACCOUNTS

The Secretary reports that from the 1st March to the 31st March 1970 accounts, including Library Accounts, properly approved, to the amount of $116,138.72 have been paid.

Approved

FINANCIAL STATEMENT, 1st July 1969 to 31st March 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 31st March 1970. *Approved*

ROLLS AND RECORDS

The Secretary reports:

1. That the following former members of the Law Society have died:

Duncan B. McIntyre, Whitby	Called—18 September 1930; Deceased—22 December 1969.
James E. Ganong, Q.C., Toronto	Called—15 September 1927; Deceased—16 March 1970.
H. O. E. Braden, Q.C., Hamilton	Called—18 November 1920; Deceased—4 April 1970.

2. That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

   James A. Regan, Scarborough. Called — 15 September 1938; Disbarred — Convocation, March 20, 1970.

Noted

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants:

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1969. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

ARREARS OF ANNUAL FEES

On the 12th March 1970 the Secretary submitted a list of 25 members who were in arrears for more than one year. On the 23rd March 1970 a registered letter was sent to them giving notice that unless their fees were paid by the 7th April 1970, a motion to suspend them from practice would be made to Convocation on the 17th April 1970.

Your Committee recommends that the following be suspended from practice for one year, and from year to year thereafter or until their arrears of fees are paid:

Frederic R. Cote, 2765 Baseline Rd., Ottawa 6.
Douglas V. Gaebel, Box 149, Victoria St., Tweed.
P. D. H. Hall, Assistant Judge Advocate General, Forces Mail Office, Halifax.
Hugh R. Latimer, P.O. Box 668, 43 Charles St., Truro, N.S.
Michael O. Windsor, 24 Bride Lane, Fleet Street, London, E.C. 4, England.

INSURANCE

The question is before the Committee whether all the Society's policies of insurance should now be considered by an independent broker to ascertain whether the Society has the best coverage at the best rate.

Moved by Mr. Levinter, seconded by Mr. Steele, that the Society's insurance be reviewed by an independent broker.

Carried

PENSION PLAN

The Society's counsel Mr. J. H. Thomson, Q.C., has reviewed an agreement drafted by William H. Mercer Limited and is discussing changes in drafting and apparent inconsistencies in the draft with Mr. Munro of the Mercer Company. He expects to have an acceptable draft within a few days for the Society's consideration. *Noted*

MUNIMENTS AND MEMORABILIA COMMITTEE

In the winter of 1969 Mr. Robert E. Y. Baldwin made a gift to the Law Society of the following portraits:

Sir Louis Hippolyte Lafontaine
Sir Francis Hincks
Honourable Robert Baldwin
Honourable James Hervey Price.

The Society's art consultant estimated that the cost of restoring these portraits would be $600 each.

In June, 1969, Convocation approved a recommendation of the Finance Committee that the portrait of the Honourable Robert Baldwin only be restored at a cost of $600, and this has now been done. This portrait is presently hanging outside the Bar Admission Course lecture room.

The Muniments and Memorabilia Committee is now requesting the Finance Committee for a further $600 to restore the portrait of Sir Louis Hippolyte Lafontaine. *Approved*

GENERAL BUILDING MAINTENANCE — 1970

A letter from Mr. Arthur Heeney dated March 18, 1970, recommending that certain work be undertaken in the Law Society Building, along with certain work in the Law School building, is before the Committee for approval.

Firm quotations will be obtained for as much of the work as possible. *Approved*

HONORARY LIFE MEMBERS — *Presentation of Certificates*

A letter from the Treasurer is before the Committee suggesting that the honorary life certificates be presented at the luncheon preceding the Annual Meeting of the Society.

Approved

BAR ADMISSION COURSE — *Provincial Grant*

Letter dated March 31, 1970, from the Honourable W. G. Davis, Minister of University Affairs, to Mr. R. J. Roberts, Director, Bar Admission Course, reads in part as follows:

> "I am pleased to report that the grant for 1970-71 in support of the operations of the Bar Admission Course will be $250,000. In addition to this sum, a special grant of $75,000 will be provided each year for five years, subject to annual legislative approval, in response to your request for assistance for your renovation program."

Noted

DIRECTOR — *Bar Admission Course*

Mr. Sydney L. Robins, Chairman of the Legal Education Committee and of a sub-committee appointed to select a Director for the Bar Admission Course, reported that the sub-committee will recommend to the Legal Education Committee the appointment of James Colin MacDonald as a full-time Director of the Bar Admission Course as of the 1st June 1970.

Your Committee recommends approval of this appointment, subject to the approval of the Legal Education Committee.

THE REPORT WAS ADOPTED.

ARREARS OF ANNUAL FEES — *Motion to Suspend*

Moved by Mr. Sheard, seconded by Mr. Levinter, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their arrears of fees are paid:

Frederic R. Cote, 2765 Baseline Rd., Ottawa 6.
Douglas V. Gaebel, Box 149, Victoria St., Tweed.
P. D. H. Hall, Assistant Judge Advocate General, Forces Mail Office, Halifax.
Hugh R. Latimer, P.O. Box 668, 43 Charles St., Truro, N.S.
Michael O. Windsor, 24 Bride Lane, Fleet Street, London, E.C. 4, England. *Carried*

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 9th day of April 1970, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Estey, Evans, Goodman, Gray, MacKinnon, Maloney, Slemin and Strauss.

1. RULING 31 — TARIFF OF FEES

A St. Catharines lawyer, concerned about a recent decision of the Taxing Officer has written the Society. This decision rejected, on a taxation of a client's bill of costs, the use of a Law Association Tariff as a guide in the valuing of work being done for a client. The lawyer has asked your Committee to review his Association's Tariff and advise as to what extent the Tariff is a useful guide in valuing the work done for a client. He also asked that if the various Association Tariffs are not of some use could the Law Society develop a Tariff which could be employed by the lawyers in Ontario. Your Committee has instructed the Secretary to write the lawyer and advise that in its opinion when a lawyer is determining the fee to be charged in a particular matter and is assessing the amount of work that he has done, the Tariff is a useful guide. In addition the Secretary is to advise that your Committee does not feel that it is appropriate at this time that a Province-wide Tariff be developed to replace the County Association Tariffs.

2. MISCELLANEOUS

(a) Your Committee's attention was drawn to a circular addressed to all inmates and staff of Federal Penal Institutions. This circular states that exorbitant fees have been paid to some lawyers to get parole for an inmate. The circular goes on to say that it is not worth hiring a lawyer to go to Ottawa to see the National Parole Board because there is nothing he can do which could not be done by writing a letter and that it is not necessary for a lawyer to write such a letter. Your Committee recommends the appointment of a sub-Committee composed of Messrs. Maloney and O'Driscoll to consider this circular, the sub-Committee to consult with other members of Convocation.

(b) A lawyer has asked the Committee if there is any prohibition against charging a reasonable interest rate on overdue accounts. The Secretary was instructed to advise the lawyer that there is nothing in the Society's Rules to prohibit an attempt to charge such interest. It is to be pointed out however, that your Committee is not expressing an opinion as to whether the lawyer has a legal right so to charge.

The Secretary is also to make reference to an opinion expressed by your Committee in 1965 that it is not in keeping with the dignity of a lawyer to put at the bottom of his standard fee billing that a certain rate of interest will be charged on outstanding balance of accounts not paid within a specified time.

The Chairman raised a question regarding the present and future Rulings of the Committee which are now published in the Professional Conduct Handbook and particularly asked "are the future Rulings to come within the power to make Regulations under section 56(4) of the new Law Society Act and if so must these rulings be filed as regulations subject to the approval of the Lieutenant Governor in Council?" Your Committee asks that these questions be referred to the Legislation and Rules Committee for their views.

Moved by Mr. Thom, seconded by Mr. Estey, that the matter of the right of a solicitor to charge interest on unpaid accounts be returned to the Committee, and counsel's opinion be obtained on the legality and on the taxation implications of doing so. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 10th day of April 1970, at 10:00 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Callon, Estey, Evans, Goodman, Gray, Maloney, Raney, Slemin and Strauss. Also present, by invitation, were members of the Special Committee of the Canadian Bar Association to study the Canons of Legal Ethics, which included Messrs. (Professor) Arthurs, Merriam, Mingo, Nicol and O'Brien.

Your Committee gave lengthy consideration to the Report of the Sub-Committee on the proposed Ruling on "Touting, Advertising and Soliciting", and referred it back to the Sub-Committee with suggested revisions for the Sub-Committee's consideration.

The comments of the members of the Special Committee of the Canadian Bar Association were of great assistance to your Committee.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th of April, 1970, the following members being present: Mr. Steele, Chairman, Messrs. Cassels and Maloney, and Miss R. McCormick, and Mr. Cass, ad hoc.

Great Library

Accounts

Expenditures by the Great Library up to 31st March, 1970, were approved.

Gifts and Donations

Stormont, Dundas and Glengarry Law Association has donated the following rare books from its Law Library:

Burn, Richard — A New Law Dictionary; intended for general use as well as for gentlemen of the profession. By Richard Burn and continued to present time by John Burn. In two volumes. London. Printed by A. Strahan and W. Woodfall, law-printers to the King's most excellent majesty; for T. Cadell, in the Strand, 1792. 2 v.

Hume, David — Commentaries on the Law of Scotland respecting trial for crimes. By David Hume. In two volumes. Edinburgh. Printed for Bell & Bradfute, Booksellers to the Faculty of Advocates. and for E. Balfour; by Adam Neill & Co, MDCCC. 2 v.

Hardy's Canadian Law List, edited by H. Cartwright. Toronto, 1905, 334 p. *Noted*

BRANCH LIBRARY AT 145 QUEEN STREET WEST

In February, 1970, Convocation adopted a recommendation of your Committee to provide this Library with books and staff. Your Committee has now received a report from the Chief Librarian itemizing the necessary books and staff required for proper supervision. Your Committee is advised that the Supreme Court Offices will be moved to their temporary quarters during the first part of July, 1970.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1969. The amount of the grants which they should receive under the Rules in 1970 and that which they received in 1969 are as follows:

		1969	*1970*	
Algoma		$1,350.00	$2,000.00	
Brant		1,325.00	1,775.00	
Carleton		1,850.00	2,000.00	
Hastings and Prince Edward		1,175.00	1,635.00	
Lanark		600.00	970.00	
Peel	$1,850.00			$2,000.00
Less loan	700.00	1,150.00	1,400.00	600.00
Rainy River		600.00	750.00	
Norfolk		600.00	1,553.34	

Approved

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 9th of April, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Chappell, Fennell, Henderson, Lochead and Steele.

Your Committee had before it Counsel's report on a prosecution brought by the Society under Section 6 of the Solicitors Act, R.S.O. 1960. The charge was dismissed and Counsel recommended against an appeal. Your Committee adopted this recommendation and has closed its file.

Your Committee considered a number of routine matters and the appropriate instructions were given to the Secretary.

All of which is respectfully submitted.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 8th day of April, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Caldbick, Cass, Fairbairn, Levinter, Lochead and O'Driscoll.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of February, 1970.

The expenditure for the eleven months ended February 28th, 1970, exceeded budget expenditure by a net amount of $661,000 primarily due to the number of divorce accounts which have been paid. During the eleven months 3,731 such accounts had been processed compared to a total budget of 1,800 divorce accounts.

Receipts from contributing clients and receipts in respect of client recoveries for the eleven months have exceeded anticipated recoveries by an amount of $141,000.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 11 months ended February 28th, 1970.

Applications received and certificates issued in respect of the 11 months ended February 28th, 1970, are less than the figures for the 11 months in the preceding year by 6,300 and 5,600 respectively. However, the increase in activity noted in January, 1970, continued through the month of February, 1970, and both applications received and certificates issued for the month exceeded the figures for February, 1969. It would appear that this rate of increase is continuing through March, 1970, and bears out earlier remarks that current economic conditions are having the inevitable effect on legal aid activity.

(b) The Controller submitted recommendations as to the Writing Off of Client Recoveries pursuant to Section 98(2) of the Regulation.

(c) The Committee approved leases for the following legal aid offices, which leases had already been reviewed by John D. Honsberger, Q.C., on behalf of the Law Society:

i) *Perth County Legal Aid Office* — 4 Wellington Street, Stratford — two years, 1st April, 1970 to 31st March, 1972 (with option to renew on same terms and conditions) — $165 per month.

ii) *Frontenac County Legal Aid Office* — 38 Clarence Street, Kingston — three years, 1st February, 1970 to 31st March, 1973 — $185 per month.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the three months ended March 31st, 1970.

(b) The Legal Accounts Officer submitted a report for the month of March, 1970, with respect to reviews and appeals.

(c) The Acting Deputy Legal Accounts Officer submitted a memorandum to the Committee concerning problems encountered in taxing accounts which involve the retaining of junior and senior counsel; also matters pertaining to Section 85 of the Regulation which section defines a lawyer's responsibilities when he seeks authority to employ counsel.

It was the view of your Committee that Section 85 and that part of the Tariff which relates to the employment of counsel in capital and non-capital murder cases, require amendment for purposes of clarification.

Your Committee moved that a sub-committee be appointed consisting of John O'Driscoll, Chairman, and Messrs. Bowlby and Cass; the sub-committee to study the matter and report back to the Committee.

SUB-COMMITTEE ON TRAVELLING TIME

At the November, 1969, meeting of your Committee, the Sub-Committee on Travelling Time, consisting of W. B. Common, Chairman, and Messrs. Lochead and Dubin, submitted a report making certain recommendations with respect to remuneration for travelling time.

Subsequent to this report, the Legal Accounts Officer recommended to the sub-committee that solicitors should be allowed travelling time on any occasion at the gross rate of $10 per hour, provided the distance exceeds 10 miles one way.

After full consideration your Committee referred the matter of the hourly rate to the Sub-Committee on Tariffs, together with the sub-committee's report of October 21st, 1969.

Since the sub-committee's report recommends amendments to Section 60 of the Criminal Tariff and Section 75 of the Civil Tariff, which sections deal with an allowance made for the time in travelling, your Committee requested G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation, to draft the requisite amendments and submit them, in final form, to the Legal Aid Programme Committee.

The Sub-Committee on Tariffs should be requested to advise Mr. Beament when it has made its recommendations on the revised hourly rate.

ACTING DEPUTY LEGAL ACCOUNTS OFFICER, MICHAEL W. KOVACH, SOLICITOR

The Committee considered the re-negotiated retainer to be paid Michael W. Kovach, Solicitor, Acting Deputy Legal Accounts Officer, for services to be rendered in the Provincial Director's office for the fiscal year April 1st, 1970 to March 31st, 1971.

Your Committee approved the employment of Michael W. Kovach as Acting Deputy Legal Accounts Officer for the fiscal year April 1st, 1970 to March 31st, 1971.

PART VII OF THE REGULATION RE PAYMENT OF COSTS

Your Committee considered two applications for payment of costs under Part VII of the Regulation.

The applications were refused since no hardship would result if the costs are not paid from the Legal Aid Fund.

STUDENT LEGAL AID SOCIETIES

(a) Your Committee approved the establishment of a Student Legal Aid Society at the University of Western Ontario and the establishment of a Student Legal Aid Society at Osgoode Hall Law School, York University, to operate under Sections 77 and 78 of the Regulations, subject to the following four conditions:

1. The Society should make arrangements with the local Area Director for each applicant who is referred to the Student Legal Aid Society to bring with him a "certificate of referral" signed by the Area Director or a person authorized by him.
2. Before undertaking any service with respect to an applicant so referred, the Society should ensure that each applicant signs a consent form, to be maintained on file, which clearly indicates that any assistance rendered to the applicant by the Society is to be provided by a law student and not a practising solicitor. A copy of the consent should be provided to the applicant.
3. The Society should, under the signature of a faculty member, provide the Provincial Director (with a copy to the Area Director) with a monthly report setting out the number and nature of the matters dealt with by the Society and the manner of their disposition (a copy of the University of Toronto's first report might be forwarded to the Dean to indicate the appropriate form of the monthly report).
4. At the conclusion of the first six months of operation of the Society or at the end of the academic year in which it commenced operation, which ever comes first, a report summarizing the operations of the Society during the first six months period should be provided to the Provincial Director by the Dean with his comments, if any.

The Director was instructed to suitably communicate with the respective Deans.

(b) Your Committee has arranged a meeting on Saturday, June 13th, 1970, with the Administrators of the Student Legal Aid Societies from the University of Toronto, Osgoode Hall Law School, York University, Western and Queen's Universities, to discuss the operation of the Student Societies.

IMMIGRATION

The Committee considered the following excerpt from the Minutes of the York County Area Committee meeting, January 21st, 1970:

> "It was proposed by Mr. Kirkpatrick and seconded by Mrs. Dubin that this Committee refer the matter of immigration cases to the Legal Aid Programme Committee for an opinion whether the Legal Aid Plan should cover appeals to the Immigration Appeal Board on the part of visitors to Canada who may, after their arrival, apply for immigrant status and are ordered deported. The Legal Aid Programme Committee should also be asked to forward to the Government this Committee's strong support of the proposal to hold immigration hearings in Toronto. *Carried"*

Your Committee noted that all non-resident applications must be referred to the Provincial Director for the exercise of his discretion. The Director should first have the advice of the Area Committee on appeal applications to the Immigration Appeal Board.

Your Committee suggested the Director write the Department of Manpower and Immigration in Ottawa advising them of the York County Area Committee's recommendation that immigration hearings should be held in Toronto.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act, 1966, provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective area:

Cochrane District

David Lalonde, Life Insurance Agent, Timmins.

Resignation:

Cochrane District

Gerald Plouffe, Timmins.

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE

With respect to Bill 7 (proposed new Law Society Act), it was moved by Mr. O'Brien, seconded by Mr. Lochead, that the words "of the Benchers" should be deleted from the 3rd line of subsection 10 of section 55, and that the Attorney General be so advised. *Carried*

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

JOHN SWAN — of Toronto — Special — Professor, Faculty of Law, University of Toronto.

DISCIPLINE COMMITTEE—Mr. Evans

Mr. Evans, Chairman, presented the following Reports of the Discipline Committee:

ANNUAL REPORT — 1969

During the year 1969 there were 727 matters dealt with by the Society.

The Discipline Committee met for 112 half-day meetings; 21 of these meetings were devoted entirely or in part to Compensation Fund matters. The 15 Notices of Complaint which were pending at the end of 1968 were disposed of as follows:

2 — Disbarments
1 — Allowed to resign
3 — Reprimands in Convocation
3 — Reprimands in Committee
2 — Investigations where no action was taken
4 — Pending
15

In 1969, 35 Notices of Complaint were considered by the Committee and disposed of as follows:

2 — Disbarments
3 — Suspensions
1 — Allowed to resign

7 — Reprimands in Convocation
7 — Reprimands in Committee
1 — Withdrawn
2 — Adjourned sine die and subsequently removed from list
5 — Not established
7 — Pending

35

In addition:

22 — Members were invited to attend before the Committee
2 — Complaints were considered by the Committee
1 — Matter was considered by the Committee
1 — Application for reinstatement was considered

26

Complaints considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Committee were dealt with as follows:

188 — Solicitor's explanation reasonable and satisfactory
130 — Concluded after correspondence
84 — No evidence of professional misconduct
160 — No further investigation required by Society
37 — Not a matter for action by the Society
36 — Matters for taxation
16 — Matters for the courts

651

Total Grants paid out of the Compensation Fund during 1969		$34,305.41
Counsel fees, reporters, transcripts, etc.		$14,283.43
Paid out of General Discipline:		
Investigation by Auditors	$14,551.90	
Fee paid to Counsel	19,263.48	
Reporters	7,453.00	
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)	4,308.70	

Investigation by Society's auditors including travelling expenses and proportion of salaries	41,692.39
Office Help	8,725.00
Extra Help	865.48
	$96,740.60
Less Discipline Costs Recovered	10,235.64
	$86,504.96

THE REPORT WAS RECEIVED.

DISCIPLINE COMMITTEE—Mr. Evans

RE: JOSEPH STEVEN WILLIAMS, TORONTO

IN THE MATTER OF The Law Society Act;

AND IN THE MATTER OF Joseph Steven Williams of the City of Toronto, a Barrister and Solicitor.

The following Notice of Complaint was served upon the Solicitor returnable before the Discipline Committee on Monday, 6th April 1970, at 10:00 a.m.

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that on the 10th day of December, 1969, following a trial before the Honourable Mr. Justice Morand in the Supreme Court of Ontario at Toronto, Ontario, you were convicted of the following offence:
>
> > THAT you between December 1st, 1963 and March 31st, 1964, at the Municipality of Metropolitan Toronto, in the County of York, unlawfully by deceit falsehood or other fraudulent means defrauded Kirkland Townsite Gold Mines Limited of two hundred and twenty-five thousand dollars ($225,000.00) in money more or less contrary to Section 323(1) of the Criminal Code of Canada.
>
> and the following punishment was imposed upon you, namely:
>
> > Imprisonment for three (3) years."

Your Committee consisting of Messrs. MacKinnon, Chairman, Dubin, O'Driscoll and Seymour, met on the appointed day and the matter proceeded. Mr. Peter deC. Cory, Q.C., attended as Counsel for the Society. The Solicitor attended without Counsel and admitted service of the Notice of Complaint. He also pointed out that his middle name as it appears on the rolls of the Law Society was spelled "Steven" and not "Stephen". In this respect the Notice of Complaint and criminal proceedings against him were in error and your Committee made note of this.

Mr. Cory filed as an exhibit a Certificate of Conviction dated the 12th day of December, 1969, signed by Mr. Charles Bradley, Clerk of the Court at Toronto. This Certificate showed that on the 10th day of December, 1969, Joseph Stephen Williams was convicted of the offence of fraud under Section 323(1) of the Criminal Code of Canada and was sentenced to imprisonment for a period of three years. Mr. Cory also filed as an exhibit a certified true copy of an Indictment in a proceeding in the Supreme Court of Ontario between Her Majesty the Queen and Joseph Stephen Williams. The endorsement thereon of the presiding Judge showed that the accused was found guilty on count 2 of the Indictment which was the offence spelled out in the Notice of Complaint issued against the Solicitor.

Mr. Cory then advised that he had a witness available to give evidence concerning the circumstances of the Solicitor's conviction. This witness was Mr. Norman Cox who was the Chief Investigator of the Ontario Securities Commission's investigation which led to the Indictment against the Solicitor. Mr. Cox was present during the course of the Solicitor's trial, gave evidence at it, and could confirm the circumstances of the offence.

Mr. Cory summarized the facts leading to the Solicitor's conviction and when the Solicitor gave evidence he stated that he did not take exception to this summary, and that the facts had been correctly cited. Accordingly, your Committee felt that it was not necessary to hear Mr. Cox.

The Solicitor then gave evidence and stated that he was innocent of the charges against him. He stated that he had not appealed his conviction for a number of reasons. He is now 58 years of age and the matter had dragged on since 1964 when civil proceedings were instituted against him by Kirkland Townsite. These proceedings were subsequently settled at a loss to the Solicitor. In 1966 he was arrested and charged with conspiracy to defraud Kirkland. Over a year later, these charges were withdrawn and replaced with a charge of theft which did not come to trial until November, 1969. In the interim, the Solicitor's health suffered, he was obliged to give up a partnership in a law firm and he lost clients.

In the circumstances, the Solicitor requested the Committee that rather than disbarment he be suspended for an indefinite period of time and that the decision of the Committee not be published.

Upon the evidence before it, your Committee finds the complaint against the Solicitor to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Joseph Steven Williams was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 17th day of January, 1946.

The above Report was read to Convocation but before being discussed the solicitor was called three times but did not respond.

The affidavit of Jacqueline Louisseize was filed to prove service on the Solicitor in accordance with the Rules.

It was accordingly moved by Mr. Evans, seconded by Mr. MacKinnon —

1. THAT the Report of the Discipline Committee in the matter of JOSEPH STEVEN WILLIAMS, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JOSEPH STEVEN WILLIAMS guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said JOSEPH STEVEN WILLIAMS be disbarred.
4. THAT the said JOSEPH STEVEN WILLIAMS is unworthy to practise as a Solicitor.

Mr. G. A. Martin, Mr. Estey and Mr. McCulloch took no part in the proceedings, and did not vote.

DISCIPLINE COMMITTEE—Mr. Evans
RE: LOUIS DAVIDSON, TORONTO

IN THE MATTER OF THE PETITION OF LOUIS DAVIDSON TO BE REINSTATED AS A MEMBER OF THE LAW SOCIETY OF UPPER CANADA

At its meeting on May 17th, 1968, Convocation had before it the petition of Mr. Louis Davidson to be reinstated as a member of the Society and Convocation ordered that the matter be referred to the Discipline Committee for consideration and report.

Your Committee met on Wednesday, June 11th, 1969, at 3:00 o'clock in the afternoon, the following members being present: Mr. Gordon F. Henderson, Chairman, and Messrs. Bowlby and Estey. Mr. Davidson attended with his counsel, Mr. Austin Cooper, Q.C.

Three solicitors were called as witnesses and gave character evidence on behalf of the petitioner.

The petitioner gave evidence personally relating to the matter that gave rise to the initial charges that were found to be established by the Committee that sat in November of 1964. He also gave evidence relating to his activities since November, 1964.

After considering the petition, hearing the evidence adduced and counsel's submission on behalf of the petitioner, your Committee was not persuaded that the petition of Louis Davidson to be reinstated as a member of the Society should be granted.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The former solicitor attended with his counsel, Mr. Austin Cooper, Q.C., who made submissions.

Moved by Mr. O'Brien, seconded by Mr. Dubin, that the matter be referred back to the Committee to afford an opportunity to compare this case with two previous cases said to be similar. *Carried*

DISCIPLINE COMMITTEE—Mr. Evans
RE: RULES RESPECTING ACCOUNTS

Your Committee met on Thursday the 9th of April 1970 at 10:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Bowlby, Cass, Chappell, Estey, Goodman, Gray, Henderson, Levinter, Lochead, Maloney, O'Driscoll, Pepper, Slemin, Steele and Strauss. Mr. R. L. Anderson was also present.

Convocation at its meeting on November 21st, 1969, approved the publication in the *Ontario Reports* of draft new Rules Respecting Accounts, inviting the comments of the profession. Your Committee had before it the report of the sub-committee that considered these submissions.

Your Committee recommends that the Rules Respecting Accounts be adopted.

THE REPORT WAS ADOPTED.

ORDER

The Secretary presented the following Order which is entered in the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF The Law Society Act AND IN THE MATTER OF JOHN AMBROSE REGAN, a Barrister-at-law and one of the Solicitors of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 20th day of March, 1970, disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said JOHN AMBROSE REGAN be struck off the Roll of Barristers and Solicitors of this Court.

Dated this 20th day of March, 1970.

Entered at Toronto
Recorded
on Film No. 202
as Document No. 1222
on Mar 20 1970 E. McB.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

Your Committee met on Thursday, April 9th, 1970 at 11:30 a.m., the following members being present: Mr. Pepper (Chairman) and Messrs. Cass and Steele.

Your Committee had before it four applications and recommended in three cases that grants be made. Further information is being sought respecting the fourth application.

THE REPORT WAS ADOPTED.

CONVOCATION ADJOURNED for luncheon at 12:30 p.m.

The Treasurer and Benchers had as their special guests at luncheon His Honour the Lieutenant Governor, his Aide, Lt.-Col. Malcolm Montgomery, Q.C., the Right Honourable John R. Cartwright, P.C., the Chief Justice of Ontario, the Chief Justice of the High Court, and Chief Judge C. E. Bennett.

CONVOCATION RESUMED at 2:30 p.m. in the Great Library,
a quorum being present.

A dais was arranged at the east end of the Great Library to accommodate the Benchers, His Honour the Lieutenant Governor, his Aide, Lt.-Col. Malcolm Montgomery, Q.C., the Right Honourable John R. Cartwright, P.C., M.C., LL.D., and Mrs. Cartwright. Seats were provided for other invited guests and the profession in the body of the Great Library.

The Treasurer called Convocation to order, and announced that Mr. Joseph Sedgwick, Q.C., a former Treasurer of the Society, had a resolution to present:

Mr. Sedgwick

Mr. Treasurer, it is my privilege to propose a resolution that the Right Honourable John Robert Cartwright, P.C., M.C., LL.D., until very recently the Chief Justice of Canada, be elected and enrolled as Honorary Bencher of the Law Society of Upper Canada.

Mr. Cartwright was enrolled as a Student at Law of this Society in 1912. In August, 1914, he enlisted as a private in the 3rd Battalion (later the Toronto Regiment). He was commissioned in the field, twice wounded, and decorated with the Military Cross for gallantry. He returned to Canada early in 1919, and in 1920 graduated in a special returned Soldier's course, standing second in his class and winning the Silver Medal. Incidentally, the Gold Medallist of that year was another well known personage, Frederick G. Gardiner. Mr. Cartwright practised at our Bar with great distinction from his call in 1920 to December of 1949, when he was appointed to the newly enlarged Supreme Court of Canada which became with his appointment and that of his now successor, Chief Justice Fauteux, a nine man Court, Supreme in name and in fact. In 1967 he succeeded Chief Justice Taschereau to the highest Canadian judicial office. On March 20th, of this year he retired not because of any diminution of his mental powers, but because he had had too many birthdays, and so had reached the statutory age limit. I shall not say publicly what that limit is because he is still of the young at heart, and bears the burden of the years as though it were no burden at all.

As a Bencher he returns to familiar scenes; he was a Bencher when appointed to judicial office, indeed he headed the poll in the 1946 election, the only occasion on which he was a candidate.

And, as an Honorary Bencher, he joins a most select company, consisting of H.R.H. the Duke of Windsor — our Senior Bencher, he having been elected in 1919; the Right Honourable John George Diefenbaker, the Honourable Leslie M. Frost, and His Excellency the Right Honourable Roland Michener, the Governor General of Canada. To that Company he adds further distinction.

Soldier — advocate par excellence, jurist of humanity and learning, scholar, indeed one of the great living authorities on the works of G. K. Chesterton, with proud pleasure I move that he be again one of our Bench.

In seconding the motion John D. Arnup, Esq., Q.C., also a former Treasurer of the Society, said —
Mr. Arnup

Mr. Treasurer: In January of 1950 I was president of The Lawyer's Club when it held the first of many similar functions to honour the newly-appointed member of the Supreme Court of Canada, Mr. Justice John R. Cartwright. On several occasions since, it has been my privilege to introduce him to law school classes, and, on one memorable afternoon, to a large audience in O'Keefe Centre.

On all of those occasions I have felt inhibited by the fact that he was there. It is pretty difficult to introduce a man who isn't, but such is his deep humility, and so great is the respect and affection he engenders in all who know him, that I felt impelled to hold back from the heights of praise he truly deserved. He is here again to-day!

Since he appears to have forgiven me for anything I have said before, I have decided upon a stratagem that is not only expedient but seems to me to be foolproof, and that is to say, now, what I first said nearly 10 years ago. I therefore quote:

> "During the busy and happy years that I spent as junior to both Mr. Kellock and Mr. Mason, we were up against Mr. Cartwright on dozens of occasions. At a later stage I was myself associated with him on the same side in two cases. As each of us reached a still later stage in our respective careers, I began to appear before him, always with pleasure and sometimes with profit.
>
> Mr. Justice Cartwright is what I call 'a lawyer's lawyer'. He thinks and speaks like a lawyer. If he had one capacity above all his other great aptitudes as a counsel, it was in meeting the challenge of a difficult case. He had the gift of making a bad point seem attractive, and a good point irresistible."

Mr. Sedgwick has mentioned Mr. Cartwright's election as bencher in 1946, and that he headed the polls. I remember it well, and that John Robinette (also running for the first time) was right on his heels. Mr. Cartwright had refrained from standing before then, because his senior partner, the late Mr. G. L. Smith, had been a bencher for many years, and the invaluable chairman of the Finance Committee. As might be expected, the new bencher was put promptly to work, although he asked to be excused from regular service on the Discipline Committee, doubtless because he suspected he could not always bring to bear the toughness of attitude towards the marginal members of the profession that his contemporaries seemed ready to display.

Although he served as a bencher for less than four years, I know how much the work and the associations meant to him, and how much he has missed it, ever since. It is therefore with particular pleasure that the benchers welcome him back, to forge and to renew those links of purpose and of spirit that mean so much to us all.

Mr. Treasurer, I am honoured to second the motion.

The Treasurer

It has been moved by Mr. Joseph Sedgwick and seconded by Mr. John Arnup that the Right Honourable John Robert Cartwright, the former Chief Justice of Canada, be elected as an Honorary Bencher of this Society.

A vote was taken, and the Treasurer declared the motion to have been carried unanimously.

The Treasurer then presented to The Right Honourable John R. Cartwright a specially bound copy of these proceedings as a memento of this Convocation.

The Treasurer then addressed Convocation:

This occasion is, I think, unique in two respects. Whilst we have conferred our highest honour on three members of the Royal Family and on two Governors-General it is the first occasion on which we have had the privilege of electing as an honorary bencher a man who has held the office of Chief Justice of Canada. It is also the first occasion when we have conferred this honour on a former elected Bencher of our Society.

The Law Society is proud of its history and of the fact that one-half of the former Chief Justices of Canada have been members of it. Our new honorary bencher also comes from a family who have made an outstanding contribution to this country, and in particular to the legal profession. Nineteen years before the Law Society was founded in 1797 his forbear Richard Cartwright, a United Empire Loyalist, departed from Albany, N.Y., as a result of what he subsequently referred to as the unhappy rebellion. I suspect however that he enjoyed the respect and possessed many of the outstanding qualities of heart and mind which we associate with his descendant. Whilst he did not depart entirely of his own free will he did so with a dignity befitting the high offices which his descendants have held. The Commissioner in charge of the United States troops placed two wagons at his disposal and permitted him to remove some of his goods and chattels and His Majesty King George III made him an allowance of £1600 as compensation for the difference. Our new honorary bencher is the fourth generation of his family to have been closely associated with the law. His great grandfather Sir Richard Cartwright was a Judge of the Court of Common Pleas and his great uncle Sir James Buchanan Macaulay was the Chief Justice of that Court. His grandfather John Solomon Cartwright was a distinguished lawyer and a member of the Legislature of Upper Canada and his father James S. Cartwright was a Master of the Supreme Court of Ontario.

The Bar of this Province welcomes this opportunity to honour the Right Honourable John Robert Cartwright. From the time when he was Head Boy at Upper Canada College until he became Chief Justice of Canada his career has been one of pre-eminence.

He has enjoyed the universal admiration and respect of our Bar as an outstanding counsel and a great Chief Justice. Our Bar also has a very warm personal affection for him. His kindness and courtesy will never be forgotten.

The Right Honourable John Robert Cartwright then addressed Convocation.

The Treasurer:

We are very pleased that Mrs. Cartwright could be with us today. May I say to her that the good wishes of all of us go with her and her husband. The Benchers very much hope that we may now have the opportunity of seeing more of them.

Whilst the primary concern of the Benchers is the legal profession, nothing gives them greater pleasure than the company of old friends. It is a particular joy to have your husband with us once again and to welcome you in our midst. We firmly subscribe to the words of Hilaire Belloc when he said

> "From quiet homes and first beginning
> Out to the undiscovered ends,
> There's nothing worth the wear of winning
> But laughter and the love of friends."

As tangible evidence of our good wishes Mrs. D. J. MacDonald, the President of the Women's Law Association, would like to make a presentation to you.

Mrs. MacDonald then presented a bouquet of roses to Mrs. Cartwright.

CONVOCATION THEN ROSE.

Following the ceremony in the Great Library a reception was held in Convocation Hall for the special guests and their friends.

Read in Convocation and confirmed this 15th day of May 1970.

"G. Arthur Martin"
Treasurer.

MINUTES OF SPECIAL CONVOCATION

Friday, April 24, 1970
10 a.m.

PRESENT:

The Treasurer (Mr. W. G. C. Howland, Q.C.) and Messrs. Bowlby, Callon, Chappell, Evans, Gray, MacKinnon, McLaughlin, O'Brien, Pattillo, Robins, Sheard, Strauss and Thom.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE—Mr. Pattillo

Your Committee met on the 3rd of April, 1970, the following members being present: Mr. Pattillo (Chairman) and Messrs. Howland (Treasurer), MacKinnon and R. F. Wilson.

When your Committee reported to Convocation in January it was awaiting a canvass of the market to see whether a true insurance plan could be offered on both a $2,000 and $5,000 deductible basis, and at what premium. The Society's broker was also obtaining quotations for excess insurance up to $1,000,000.

Primary Insurance

The Society's Broker has reported that a plan to insure the legal liability of practising members of the Society to a limit of $100,000 per occurrence can be made available on either a $2,000 or $5,000 deductible basis at an annual cost per member as set out opposite the names of insurers as follows:

Insurer	*Annual Charge per Member*	
	$2,000 deductible	*$5,000 deductible*
Canadian Indemnity Company	$105.00	$ 95.00
Guardian Assurance Company	114.00	85.00
St. Paul Fire & Marine Insurance Company	130.00	102.00
Eagle Star Group	*	113.00
Canadian General Insurance Company	147.00	125.00

*—No quotation

The proposal made by St. Paul's differs from the others in that it would make the limit of $100,000 available to each person or firm sued so that the available protection could be significantly more though this distinction would become less important if the members carried excess insurance.

Excess Insurance

Quotations were sought on the $400,000 in excess of $100,000 and on the $900,000 in excess of $100,000 from the following eleven groups:

American Home
Canadian Indemnity Company
Canadian General
Canadian Re-Insurance
Eagle Star
Employers Re-Insurance
Fireman's Fund
Guardian Assurance
Insurance Company of North America
Norwich Union
St. Paul Fire and Marine

The following quotations have been received:

Insurer	*Annual Cost per member for*	
	$400,000 in excess of $100,000	*$900,000 in excess of $100,000*
American Home	$30.00	No quotation
Guardian*	33.00	To be provided

*—Guardian's quotation was subject to:

(1) their appointment as primary insurers

(2) other qualifications.

Both quotations retained the right of selection.

The Society's Broker advised that several good excess markets are committed to primary insurers for re-insurance on a portion of the first $100,000 so that when the Society selects the primary insurance the insurers not involved will release their re-insurance markets making a wider selection of excess insurers available.

At its meeting on the 3rd of April your Committee considered the information and recommendations of the Society's Broker and now recommends to Convocation that a questionnaire be prepared and submitted to the profession asking:

(1) Whether it approves adopting a plan for compulsory errors and omissions insurance coverage of $100,000 per occurrence;

(2) Asking whether a $5,000 or $2,000 deductible feature is preferred, and of course, indicating the difference in premium involved;

(3) The questionnaire to be enclosed with a letter giving quotations on excess insurance.

All of which is respectfully submitted.
Dated the 3rd day of April, 1970.

"A. S. Pattillo"
Chairman

Moved by Mr. O'Brien, seconded by Mr. Bowlby, that the Report be amended to provide that the plan whereby the amount of coverage varies with the number of partners be included in the material sent to the profession, and that they be informed that the annual charge per member under the two alternative plans may not extend beyond a year. *Carried*

Moved by Mr. MacKinnon, seconded by Mr. Callon that in the Treasurer's letter to the profession it be indicated that Convocation favours a compulsory scheme of $100,000 coverage per occurrence. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

SPECIAL COMMITTEE ON OSGOODE HALL FENCE

Moved by Mr. Sheard, seconded by Mr. Evans, that Brendan O'Brien be appointed Chairman of the Special Committee on Osgoode Hall Fence. *Carried*

LEGISLATION AND RULES COMMITTEE—Mr. Wilson

The Legislation and Rules Committee met on the 18th May 1970 and the 14th April 1970, and the following Committees met on the 21st April 1970 to consider those Rules and Regulations which relate to the work of the various Committees: Finance; Legal Education; Admissions; Discipline; Professional Conduct; Libraries and Reporting; Unauthorized Practice; Public Relations. After making a number of minor amendments the Committees approved, and recommended to Convocation the Draft Rules and Regulations.

Convocation adopted the Committees' Reports.

Moved by Mr. Robins, seconded by Mr. MacKinnon, that a copy of the Rules and the Regulations as amended be sent to each member of the profession. *Carried*

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 15th day of May, 1970.

"G. Arthur Martin"
Treasurer

MINUTES OF CONVOCATION

Friday, May 15, 1970
10 a.m.

PRESENT:

Messrs. Beament, Bowlby, Callon, Cass, Clement, Dubin, Estey, Fennell, Goodman, Gray, H. E. Harris, W. E. Harris, Levinter, Lochead, Maloney, Martin, MacKinnon, O'Brien, O'Driscoll, Pepper, Robins, Sedgwick, Seymour, Sheard, Slemin, Steele, Strauss, Thom, Williston and R. F. Wilson.

ELECTION OF TREASURER

Mr. Goldwin Arthur Martin, Q.C., was elected Treasurer for the ensuing year. Mr. Martin took the Chair and said he was deeply conscious of the honour that had been conferred upon him. It would be his purpose while he held the office of Treasurer to endeavour to achieve and maintain the very high standards of devotion and performance set by his predecessors in this office; this would be no easy task.

He had the good fortune, however, in assuming the office of Treasurer not only to have been preceded by dedicated Treasurers but to have the support of colleagues who have so resolutely faced and capably dealt with contemporary problems.

The Special Committee on Legal Education and the Special Committee on Specialization were going to be dealing with issues and problems which are of the utmost importance to the profession and to the public and they deserve a high priority.

The Treasurer also expressed the view that the Society must as soon as possible establish a detailed code of professional conduct and ethics.

The Treasurer also expressed the hope that with the improvement in the position of the compensation fund, due to the reduction in the number of claims properly made against it, the time was not far removed when the ceilings with respect to the amount payable out of the fund in respect of any one solicitor or to any one client could be removed where a true solicitor and client relationship was established.

The Minutes of Convocation of April 17th, and of the Special Convocation of April 24, 1970, were read and confirmed.

APPOINTMENT OF AUDITOR

Moved by Mr. Strauss, seconded by Mr. Clement, that Clarkson Gordon & Co. be appointed auditors of the Society for the period of one year from the 1st July 1970 at an annual fee of $3,000. *Carried*

CANADIAN BAR ASSOCIATION

Moved by Mr. Callon, seconded by Mr. Slemin, that Mr. S. L. Robins, Q.C., be appointed the Society's representative on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1970, and that Mr. R. W. Cass, Q.C., be appointed the Society's representative replacing the Honourable Mr. Justice Arnup, to take office immediately. *Carried*

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Moved by Mr. Beament, seconded by Mr. Levinter, that Mr. G. Arthur Martin, Q.C., be appointed the Society's representative on the Executive of the Conference of Governing Bodies of the Legal Profession in Canada. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 7th day of May, 1970, at 3:00 p.m., the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Cass, Estey, Henderson, MacKinnon, Slemin and Thom.

BAR ADMISSION COURSE FACULTY

The Director informed your Committee that he had received the resignation of Mr. J. D. Honsberger, Q.C., as Head of the Surrogate Court Practice section of the Bar Admission Course. With the concurrence of his successor, the Director recommends the appointment of Mr. J. A. Brule, Q.C., as Head of this section of the Course.

Your Committee recommends that Mr. Honsberger's resignation be accepted with regret, and that the appointment of Mr. J. A. Brulé, Q.C., be approved.

The Director informed your Committee that he had received the resignation of Mr. G. W. Collins-Williams, Q.C., as Head of the Family Law section of the Bar Admission Course. The Director's successor wishes to take over as the Head of this section of the Course and the Director agrees that this would be desirable. Accordingly, he recommends that Mr. James C. MacDonald be appointed as Head of this section.

Your Committee recommends that Mr. Collins-Williams' resignation be accepted with regret, and that the appointment of Mr. James C. MacDonald be approved.

The Director recommends that Mr. Robert J. Carter be appointed Head of the Criminal Procedure Section.

Approved

PETITION

Marvin Yontef entered the Bar Admission Course in September, 1969, and is presently under articles with the firm of Messrs. Goodman and Carr in Toronto. Mr. Yontef asks permission to postpone his attendance at the teaching period to spend a year at the Harvard Law School obtaining a Master's degree in law, and to be allowed to enter the teaching period in September, 1971. *Approved*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 7th day of May, 1970, at 2:30 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, MacKinnon, Robins and Slemin. Mr. Gordon Henderson also attended.

CALL TO THE BAR AND CERTIFICATES OF FITNESS
BAR ADMISSION COURSE

The following candidate having successfully completed the Eleventh Bar Admission Course, filed the necessary documents and paid the required fee of $210, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Anne Elizabeth Genereux

Approved

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in her particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Gladys May Choquette — Special — Faculty of Law
University of Ottawa
Fee $200. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1969:

Under Bar Admission Course Regulations — Part II, No. 3

469. JOYCE, William Anderson—B.A., Queen's 1966; LL.B., Osgoode 1969.
470. KOLASSA, Peter Paul—B.A., Waterloo 1965; LL.B., Ottawa 1969.
471. MORAND, John Donald Michael—B.A., Windsor 1964; LL.B., Osgoode 1969.
472. WAIND, Robert Bryson—B.Comm., Dalhousie 1967; LL.B., Dalhousie 1969. *Approved*

The following candidates having complied with the relevant regulations, paid the required admission fee of $101, and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulations — Part II, No. 3

1. RAND, Michael Carter—B.A., Carleton 1964; LL.B., Toronto 1969.
2. VECHSLER, Michael John—B.A., Toronto 1966; LL.B., Toronto 1969.

Under Transfer Regulations No. 4 and 5

3. McINTYRE, George Douglas—Quebec. *Approved*

DIRECT TRANSFER FROM QUEBEC

Denise Bélisle (B.A. University of Montreal 1963; LL.B. University of Montreal 1966) was called to the Quebec Bar in June 1967. Miss Bélisle has been with the Department of Justice in Ottawa since her call to the Bar and subject to completing the required three years of practice in June, 1970, seeks to proceed under Regulations 5 and 4. *Approved*

UNITED KINGDOM SOLICITOR

Heather Elizabeth Colhoun, solicitor from Northern Ireland, seeks to proceed under Regulation 8 and is asking exemption from the articling period of the Bar Admission Course. She presents a submission giving details of her experience since being admitted as a solicitor in 1960, and her academic achievements.

At its April, 1970, meeting the Committee recommended she be allowed to proceed under Regulation 8 to complete the Bar Admission Course including the articling period. At Convocation on the 17th April, it was moved by Mr. Pattillo, seconded by Mr. Levinter, that Miss H. E. Colhoun be excused the articling period of the Bar Admission Course. This was not voted on. It was then moved by Mr. Goodman, seconded by Mr. Chappell, that the matter relating to Miss Colhoun be referred back to the Committee so that the whole question involved can be reconsidered.

Your Committee recommends that at the present time Regulation 8 should not be amended, and that no specific exemption from the requirements of the Regulation be made in favour of Miss Colhoun, and that the requirements of the Regulation not be waived by Convocation.

COMMONWEALTH TRANSFERS

Mansukhlal Amritlal Koya (B.A. Gujarat University 1961; LL.B. University of Bombay 1964) was admitted as an advocate to the Bar Council of Gujarat in 1964. He presents a certificate of good standing and proof of practice from the Jamnagar Bar Association. He seeks to proceed under Regulation 10(b). *Approved*

Shil Kumar Sanwalka (B.A. Panjab University 1952; LL.B. Panjab University 1954) was enrolled as an advocate of the Bar Council of Punjab 1962. He presents a certificate of good standing and proof of practice from the Bar Council of Punjab and Haryana, Chandigarh, India. Mr. Sanwalka was also a part-time law lecturer in the Punjab University for the 1965-66 session. He seeks to proceed under Regulation 10(b). *Approved*

S. R. Srinivasan (B.A. University of Madras 1960; Bachelor of Laws degree University of Madras 1961) was admitted as an advocate of the Bar Council of Madras in February, 1962. He presents a certificate of good standing from the Bar Council of Madras and proof of practice from the office of the Advocate General, Madras, as well as a testimonial from the lawyer for whom he worked. He seeks to proceed under Regulation 10(b). *Approved*

Bar Admission Course — Teaching Period

Ingrid Christel Hutton was approved by the Committee in June, 1969, to transfer under Regulations 2 and 4. She seeks permission to take the teaching period of the Bar Admission Course in place of writing the transfer examinations. *Approved*

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Friday, the 15th day of May, 1970, at 9:45 a.m., the following members being present: Mr. R. W. Cass, Vice-Chairman, in the Chair, and Messrs. Sheard, Slemin and R. F. Wilson.

Report of the Examining Board

The report of the examinations held in May, 1970, is before the Committee. Three candidates sat the examination and all passed.

John Francis MacIsaac
George Alexander Rogers
Calvin George Scarfe *Approved*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 7th day of May, 1970, the following members being present: Mr. Beament, Vice-Chairman in the Chair, and Messrs. Fennell, Henderson, Levinter, Pepper, Robins, Steele and Thom.

Accounts

The Secretary reports that from the 1st April to the 30th April 1970 accounts, including Library Accounts, properly approved, to the amount of $130,467.40 have been paid.

Approved

Financial Statement, 1st July 1969 to 30th April 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1969 to the 30th April 1970. *Approved*

Rolls and Records

The Secretary reports:

(1) *Appointment to the Bench*

That the following former member of the Law Society has been honoured by his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

John Douglas Arnup, Q.C., Toronto—Called — 19th September 1935; Appointed Justice of the Supreme Court of Ontario, Court of Appeal, April 17, 1970.

(2) The following former members of the Law Society have died:

Noah Nathan Simon, Windsor	Called—20 January 1927; Deceased—8 February 1970.
Raymond Leslie Brawley, Toronto	Called—24 September 1952; Deceased—23 April 1970.
William Symon Morlock, Q.C., Toronto (Hon. Life Member)	Called—11 October 1909; Deceased—1 May 1970.

(3) That the following former member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

Joseph Steven Williams, Q.C., Toronto. Called — 17th January 1946; Disbarred — Convocation, 17th April 1970.

Noted

Arrears of Annual Fees

At its meeting on the 9th April 1970 the Finance Committee, pending further information, deferred action on the suspension of the following member who is in arrears for fees for more than one year:

Theodore R. Joseph, Toronto.

A registered letter had been sent to Mr. Theodore R. Joseph at his last address on the Society's records, and was returned marked "Moved, address unknown". Inquiries have been made, and a search made in the City Directory, but no further information has been found as to the present address of this member.

Your Committee recommends that the following member be suspended from practice for one year, and from year to year thereafter or until his arrears of fees are paid:

Theodore R. Joseph, Toronto.

RULE RESPECTING MEMBERS AND FORMER MEMBERS WHO HAVE RETIRED

Applications have been received from two former members of the Society who have resigned, to be re-admitted under the above Rule.

Your Committee recommends that the Rule be referred back to the Special Committee on Fees which drafted it, so that it can be reconsidered and the necessary forms of application drafted for completion by those wanting to proceed under the Rule; and that consideration of the applications received be adjourned until the Report of the Special Committee has been considered.

CHANGE OF NAME

Gerald Oleh Jarson was admitted as a student in the Bar Admission Course under the name — Oleh Jaroszenko. By Order of His Honour Judge McDonagh dated the 12th day of March 1970 his name was changed to Gerald Oleh Jarson. He asks that his name be changed on the rolls and records of the Law Society. A notarial copy of the Order is before the Committee. *Approved*

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1969. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

Special Grant — Rainy River

Under Rule 105, request for a special grant to pay off existing liabilities in the amount of $1,648.54. This grant was approved by the Libraries and Reporting Committee on the 9th April, 1970, subject to the approval of the Finance Committee. *Approved*

Library Facilities, 145 Queen St. West

Due to the move of the Supreme Court offices and Courts to 145 Queen St. West early in July, the Law Society is required to furnish a library in that building for the use of the Courts. Mr. Heeney, the Society's architect, estimates the cost will be between $3,500 and $4,000 using material on hand. This covers the installation of metal shelving. If oak shelving is desired, the cost will be about double to $6,500 or $7,000. As this expenditure is not covered in the estimates for the Libraries and Reporting Committee, approval of the Finance Committee is sought.

Your Committee recommends that $4,000 be provided out of general funds to erect the steel shelving.

INSURANCE

At its meeting on the 9th April 1970 your Committee recommended that the Society's insurance be reviewed by an independent broker — the choice of the broker to be suggested to the Committee by the Chairman at the next meeting.

Your Committee recommends that, subject to the approval of the Chairman, Mr. Michael Scott of Corporate Risk Managers Limited, be retained.

CONFERENCE OF GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

A letter from Mr. H. St. Geo. Stubbs, Q.C., Secretary-Treasurer of the Conference of Governing Bodies, setting out the new scale of grants adopted at the meeting of the Executive of the Conference in Winnipeg in April, 1970, is before the Committee. The grant requested from The Law Society of Upper Canada is $2,800. *Approved*

OSGOODE HALL FENCE

On Saturday, April 11, 1970, the Police Department reported that on Friday night, April 10th, a car had collided with the fence on Queen Street facing York Street, causing considerable damage to the fence. The owner of the car is insured. The Society's Insurance Brokers have been advised, as have the Adjusters, to whom the police report has been supplied. *Noted*

THE REPORT WAS ADOPTED.

ARREARS OF ANNUAL FEES
Motion to Suspend

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the following barrister and solicitor be suspended from practice for a period of one year from this date, and from year to year thereafter or until his arrears of fees are paid:

Theodore R. Joseph, Toronto.

Carried

DISCIPLINE COMMITTEE—Mr. Evans
RE: FREDERICK JAMES BANNON, Toronto.

As a result of information received by the Society the following Notice of Complaint was issued against the Solicitor and made returnable on Friday, the 1st day of May, 1970, at 10:00 a.m.:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. have forged the name of Clara Frances Ballard to a mortgage purporting to be from Clara Frances Ballard to Gordon Alexander Yule and Elizabeth Ann Yule dated the 16th day of October 1969 and registered in the Registry Office for the Registry Division of the East and West Riding of the County of York as Instrument No. 163892.

2. have administered the oath and have subscribed your name as Commissioner on the affidavit of legal age and marital status purported to have been made by Clara Frances Ballard and contained in the said mortgage mentioned in paragraph 1 above, knowing such affidavit to be false.
3. have attested in the affidavit of execution contained in the said mortgage mentioned in paragraph 1 above that the said Clara Frances Ballard had signed, sealed and executed the said mortgage, knowing this to be false."

Your Committee met on the appointed day, consisting as follows: Messrs. MacKinnon (Chairman), Steele and Cass. The Solicitor attended with Counsel, Mr. David Humphrey, Q.C. The Society was not represented by Counsel. On the Solicitor's behalf his Counsel admitted that a copy of the Notice of Complaint had been served personally on the Solicitor on the 28th day of April, 1970, and stated that the Solicitor was waiving the customary seven-days' notice required under the Society's Rules.

The Solicitor's Counsel then told your Committee that he was instructed by the Solicitor to admit the complaints set out in the Notice of Complaint. Counsel advised that there were extenuating circumstances surrounding the transaction referred to in the Notice of Complaint but because they could not possibly affect your Committee's findings or recommendation he did not intend placing these circumstances in evidence.

Your Committee had several witnesses available to give evidence for the Society but in view of the Solicitor's admissions, your Committee felt that it was not necessary to hear these witnesses.

On the evidence before it your Committee finds all the Complaints established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of The Law Society of Upper Canada.

Mr. Frederick James Bannon was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 22nd day of June, 1960.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The Solicitor was called three times, but did not respond.

The affidavit of Judy Luedy was filed to prove service on the Solicitor in accordance with the Rules. *Adopted*

It Was Accordingly Ordered:

1. That the Report of the Discipline Committee in the matter of **Frederick James Bannon**, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. That upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said **Frederick James Bannon** guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. That the said **Frederick James Bannon** be disbarred.
4. That the said **Frederick James Bannon** is unworthy to practise as a Solicitor.

Mr. O'Driscoll withdrew from the meeting, took no part in the discussion and did not vote.

Call to the Bar

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Ann Elizabeth Genereux, of the Town of Mississauga.

Gladys May Choquette, of Ottawa — Special — Professor, Faculty of Law, University of Ottawa.

DISCIPLINE COMMITTEE—Mr. Evans

Re: Richard Joshua Horne, Toronto

As a result of information received by the Society's Office, the following Notice of Complaint was issued against this Solicitor, returnable before your Committee on Tuesday, 21st April, 1970, at 10:00 a.m.:

> "Take Notice that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. contrary to Rule 11 of the Rules Respecting Accounts, have in the month of March 1970, failed to produce to the Law Society's Accountant such evidence,

> vouchers, records, books and papers as such Accountant requested for the purposes of his investigation."

Your Committee met on the appointed day, consisting of Messrs. MacKinnon, Chairman, McCulloch and Strauss. The Solicitor did not attend. The Committee Secretary called the Solicitor's name several times outside the Committee Room with no response. The Notice of Complaint with affidavit of service attached was made an Exhibit. The affidavit confirmed that a copy of the Notice had been mailed to the Solicitor by prepaid registered post in accordance with the Society's Rules.

Mr. Jack Hughes, an Accountant with the Law Society, was sworn and told your Committee that in March of this year, he had attended the Solicitor's office for the purpose of inspecting the Solicitor's books and accounts. The Solicitor is presently under suspension from the Law Society and the purpose of Mr. Hughes' inspection was to confirm that clients' trust monies were properly disbursed as of the date of the Solicitor's suspension, and also to confirm that the Solicitor was not continuing to practise law in spite of his suspension. When Mr. Hughes entered the Solicitor's office, he identified himself to the Solicitor's secretary and asked to see the Solicitor. Mr. Hughes was subsequently shown into the Solicitor's inner office and handed the Solicitor an envelope containing a letter addressed to the Solicitor and signed by Mr. C. I. Scott, Assistant Secretary of the Society. This letter introduced Mr. Hughes as a member of the Society's audit staff and advised that Mr. Hughes was instructed to make an examination of the Solicitor's books and records pursuant to Rule 11 of the Rules Respecting Accounts and asked for the Solicitor's co-operation. (A copy of this letter was made an Exhibit.) Mr Hughes stated that while he was in the Solicitor's office, the Solicitor did not open the envelope but that Mr. Hughes told the Solicitor what the letter said. Mr. Hughes twice asked the Solicitor for access to his books, records and files but on both occasions the Solicitor refused. Mr. Hughes told your Committee that he then made a written report of what had transpired at the Solicitor's office and had sent a copy of this report to the Solicitor. This report was made an Exhibit.

Upon the evidence before it your Committee finds the complaint to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Richard Joshua Horne was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 21st day of November, 1940. On 26th August 1969, Convocation found Mr. Horne guilty of professional misconduct and suspended him for a period of eighteen months.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The solicitor attended with his counsel, R. Roy McMurtry, Esq., who made submissions on his behalf. He told Convocation that the Solicitor is ready to allow any representative of the Society to examine his professional affairs, and requested that the matter be referred back to the Committee for further consideration and an opportunity for the Solicitor to adduce evidence. He confirmed that the Solicitor had received the Notice of Complaint. The Solicitor undertook to Convocation to open his books to any representative of the Society and to appear before the Discipline Committee when a meeting of that Committee is called.

Moved by Mr. Gray, seconded by Mr. O'Brien, that the matter be adjourned to the June Convocation. *Lost*

Moved in amendment by Mr. MacKinnon, seconded by Mr. Goodman, that the penalty be changed to a reprimand in Convocation with publication and payment of the costs of the Society's investigation.

The Solicitor and his Counsel returned and were advised of the motion made and seconded in view of the undertakings already given by the Solicitor and accepted by Convocation.

Counsel conferred with the Solicitor and then advised Convocation that he had no further submissions to make.

The Solicitor and his Counsel retired.

The motion as amended was carried.

The Solicitor returned and was reprimanded by the Treasurer.

Mr. Thom was not present, took no part in the discussion and did not vote.

GENERAL REPORT—Mr. F. J. L. Evans

Your Committee met on Thursday, May 7, 1970, at 10:00 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, and Messrs. Beament, Bowlby, Cass, Estey, Goodman, Levinter, Lochead, O'Driscoll, Pepper, Robins, Slemin, Steele, Strauss and Thom.

APPOINTMENT OF SUB-COMMITTEE — PROCEDURE

In view of the new Law Society Act and queries which members of your Committee have raised from time to time, your Committee resolved that the Chairman appoint a sub-Committee to review the procedure of your Committee in investigating a complaint, the issuance and drafting of a Notice of Complaint, the hearing by your Committee and any other matters pertaining to the foregoing.

THE REPORT WAS ADOPTED.

RE: GEORGE ARTHUR MARRON

IN THE MATTER OF GEORGE ARTHUR MARRON TO BE READMITTED AS A MEMBER OF THE LAW SOCIETY OF UPPER CANADA.

On the 16th day of January, 1970, Convocation referred to the Discipline Committee for consideration and report the Petition of Mr. George Arthur Marron for readmission to membership in the Law Society.

Your Committee, consisting of Messrs. Levinter (Chairman), Common, H. E. Harris, Slemin and Williston, met on Tuesday, the 24th day of March, 1970, at 11:00 a.m. to hear this Petition. The Petitioner attended without Counsel and the matter proceeded.

The Petitioner was disbarred on the 15th day of November, 1968. Your Committee had before it the Report of the Discipline Committee dated 5th November, 1968, which recommended the Petitioner's disbarment. This Report, which was adopted by Convocation, showed that the Committee had found the Petitioner guilty of professional misconduct and conduct unbecoming a barrister and solicitor in that he:

1. Contrary to Rule 3 of the Rules Respecting Accounts permitted various of his clients' trust accounts to become overdrawn and drew money from his trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to him;
2. Contrary to Rule 6 of the Rules Respecting Accounts, failed to maintain or cause to be maintained at all times, and particularly in the month of March, 1968, sufficient money on deposit in his trust bank account to satisfy his indebtedness to clients for trust funds;

3. Submitted to the Law Society reports of a public accountant for the twelve-month periods ending October 31st, 1965, September 30th, 1966 and September 30th, 1967 respectively, when he knew or should have known that the said reports were inaccurate.
4. Contrary to Ruling 14 of the Rules of Professional Conduct, in or about the month of July 1965 borrowed the sum of $2,500.00, more or less, from a client Harold Clarke without assuring that he had independent legal advice.

The petitioner was sworn and told your Committee that he first wished to bring to the Committee's attention his letter to the Secretary of the Society dated 14th January, 1970, requesting that his petition for readmission be considered. In this letter the Petitioner advised that he had given a great deal of thought over the past year or so to the conduct which led to his disbarment and that he fully recognized and had the deepest regret for the blameworthy nature of his conduct. He advised that in the period since his disbarment he had made a number of applications for employment supported by good references but that due to his age and to the retirement plans for employees of governments and private business, there did not appear to be any openings for him.

The Petitioner then filed as an exhibit a document which listed about thirty-seven applications for employment he had made since his disbarment — all without success. These included applications to governments, universities, companies and industries. In many cases he was considered too senior for the position or his qualifications were not adequate.

The Petitioner then stated that he had been encouraged by many of his friends to make this petition for readmission. He submitted as an exhibit two letters which had been received by the Law Society. One letter dated 4th December, 1969, was from T. David B. Ragg, B.A., B.D., Archdeacon of Saugeen, and Rector of St. George's Church, Owen Sound. The letter stated in part as follows:

> ". . . I would like to write on behalf of Mr. Marron. Since his disbarment . . ., he has continued as an active member of his Parish, and this could not have been easy for him, he has remained a member of the Board of Management, taking on extra duties and helping in many extra ways since he had time on his hands.

> I have had many private talks with him in these past two years. His outlook has been healthy and intelligent. This has continued through the many disappointments in the continuing search for employment. His outlook has been, what one would expect of a man of his ability and faith. He has remained a man, and his interest in the service to others has not faltered. To my knowledge he has not lost the respect of any within this community.
>
> I hope most sincerely that his application will be accepted and that he can return to the practice of his profession."

The second letter dated 5th December, 1969, was addressed to the Secretary of the Law Society from Mr. R. E. Rutherford, Mayor of the City of Owen Sound. This letter stated in part as follows:

> "I can readily say that Mr. Marron has always been well respected in this community and even since the unfortunate circumstances leading to his disbarment, he has continued to conduct himself as a gentleman and serve and work on projects for the betterment of Owen Sound.
>
> I would like to add my voice to the many others in asking your consideration for the reinstatement of Mr. G. Arthur Marron by the Upper Canada Law Society."

The Petitioner then directed your Committee's attention to the character evidence given by the several persons who had appeared on his behalf before the Discipline Committee in 1968 and also to the several letters received by the Committee at that time. Your Committee advised the Petitioner that it had read this evidence as summarized in the Committee's Report dated 5th November, 1968.

The Petitioner stated that he will be sixty years of age on his next birthday. He is married with four children — all married. One son is presently serving his articles with a Toronto law firm and will be entering the Bar Admission Course next fall. Since his disbarment the Petitioner has had to adjust his standard of living. His only income is a life annuity from his father's estate. In addition he has tried collecting fees owing him during his practice. His only debts are about $2,000 in back income taxes and a mortgage on his home for about $12,000. The shortage in his trust fund was made up before his disbarment and immediately after the Society's accountant brought it to his attention. To his knowledge no applications have been received by the Society to the Compensation Fund.

Mr. H. L. VanWyck, Q.C., was sworn and told your Committee that he is a lawyer practising in Owen Sound. Mr. VanWyck was asked by Mr. F. W. Olmstead, President of the Grey County Law Association, to attend before your Committee and read the following Resolution which was unanimously passed at a meeting of the Law Association held at Owen Sound on 7th October, 1969:

> "WHEREAS it has been brought to the attention of the Grey County Law Association that Mr. George Arthur Marron, a former member of the Bar, is interested in making an application to the Law Society of Upper Canada for reinstatement as a Barrister and Solicitor.
>
> AND WHEREAS the said George Arthur Marron, prior to his disbarment, practised law in this area for a considerable number of years and is well known to the present members of the Grey County Law Association.
>
> BE IT RESOLVED that the Grey County Law Association hereby recommends to the Benchers of the Law Society of Upper Canada that consideration be given to permit the reinstatement of Mr. George Arthur Marron."

Mr. VanWyck read the names of the twelve lawyers who had attended the meeting and advised that this number represented all but four members of the local Bar who for one reason or another did not attend the meeting and were not approached. Mr. VanWyck knew of no reason why these four would not support the Resolution and indeed had every reason to believe that they would favour it, if they were asked. Mr. VanWyck personally knows that the Petitioner has had much difficulty obtaining employment and felt he has been punished enough.

This concluded the evidence.

The Petitioner was called to the Bar on the 21st day of June, 1934, and disbarred on the 15th day of November, 1968. Your Committee appreciates that the time lapse since the Petitioner's disbarment is not very long (just over a year and a quarter) — but is influenced by the very special circumstances in this case. Your Committee has given special consideration to the Petitioner's age, the almost unanimous support of the local Bar and the very impressive evidence of character covering both the period of the Petitioner's practice and the period from his disbarment up to the present. Your Committee also notes that no client has suffered any pecuniary loss. Your Committee feels that the Petitioner has been sufficiently punished for his offence and that the evidence indicates that he would conduct a future practice honourably and in accordance with the Rules of the Society. In these special circumstances and with the intention that this recommendation not establish a precedent, your Committee recommends that the Petitioner be readmitted as a member of the Law Society on condition that he give the following undertakings to the Society:

1. In the event that he resumes the practice of law that his books and accounts are set up and maintained in a manner satisfactory to the Society's Accountants; and
2. That he file quarterly for the three years immediately following his resumption of the practice of law audited statements on his practice and that such statements be filed half yearly thereafter for so long as the Petitioner remains a member of the Society.

All of which is respectfully submitted.

Dated this 6th day of April, 1970.

"I. Levinter"
Chairman

Moved by Mr. Evans, seconded by Mr. Levinter, that the Report be adopted.

The Petitioner attended without Counsel and told Convocation that he is prepared to give the undertakings recommended in the Report.

The Petitioner retired.

The Report was adopted.

The Petitioner returned and undertook to Convocation —

1. In the event that he resumes the practice of law that his books and accounts are set up and maintained in a manner satisfactory to the Society's Accountants; and
2. That he file quarterly for the three years immediately following his resumption of the practice of law audited statements on his practice and that such statements be filed half yearly thereafter for so long as the Petitioner remains a member of the Society.

Mr. O'Brien took no part in the discussion and did not vote.

ORDER

The Secretary presented the following Order which is entered in the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER of The Law Society Act.

AND IN THE MATTER of Joseph Steven Williams, a Barrister-at-law and one of the Solicitors of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 17th day of April, 1970, disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said JOSEPH STEVEN WILLIAMS be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 17th day of April, 1970.

"M. R. Elliott"
Assistant Registrar
Supreme Court of Ontario

Entered at Toronto
Recorded
on Film No. 204
as Document No. 856
on April 17, 1970.
E. McB.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 7th day of May, 1970, at 9:00 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Estey, Evans, Goodman, O'Driscoll, Slemin and Strauss.

Your Committee received a number of requests and have expressed opinions regarding the following matters:

(a) That a member of the Society should not put on his letterhead the name of a deceased patent agent who was not a member of the Law Society;

(b) That an announcement respecting the opening of a law office should not be inserted in a weekly newspaper more than twice. Your Committee expressed the further opinion that the form of the announcement submitted in this case was not in good taste;

(c) That a law firm that already had two offices and wishes to make an announcement that it was opening a third law office, be permitted to refer in the announcement to the offices which were being continued.

Your Committee considered a number of other matters on which the conclusions are not yet reached.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 7th day of May, 1970, the following members being present: Mr. Steele, Chairman, Messrs. Cassels, Maloney and Strauss, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 30th April, 1970, are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$27,000.00	$4,000.00	$99,260.00
Expenditure	21,322.18	3,421.21	78,048.64

Special Account

Estimates	$25,000.00
Expenditures	1,366.75

Bar Admission Course Library

	Books	*Salaries*
Estimates	$10,000.00	$10,500.00
Expenditures	11,278.44	3,731.93

Approved

GIFTS AND DONATIONS

The Honourable G. A. Gale, Chief Justice of Ontario, has donated a copy of *The true and genuine account of the Proceedings and Trial of the Dutchess of Kingston, who was* *tried on Monday, April 15, 1776 before the Lord High Steward, and the House of Lords at Westminster-Hall.* Printed by J. Anderson, near Whitechapel. *Noted*

LIBRARY STAFF

Miss Lorna Turner, B.A. (Queen's), B.L.S. (Tor.) has been retained for the position of cataloguer. *Noted*

Miss Doris Sin, cataloguer, will be promoted to fill the vacancy created in the Catalogue Department by the resignation of Mrs. Catharine Ferguson, Assistant Librarian. Miss Sin's promotion will be effective June 1, 1970, at a salary to be determined by the Chief Librarian subject to the approval of the Committee.

BRANCH LIBRARY AT 145 QUEEN STREET WEST

Your Committee received estimates in respect of the cost of moving and installing furnishings at the above premises. One estimate was for $4,000 which covers the installation of metal book shelving. The other estimate was for $7,000 which covers the installation of oak book shelving. Subject to the approval of the Finance Committee, your Committee recommends the expenditure of $4,000 and the installation of metal book shelving. Your Committee recommends that this expenditure be charged to building expenses rather than library expenses.

BOOKS PURCHASED

A list of books recently purchased was approved by your Committee.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1969. The amount of the grant which they should receive under the Rules in 1970 and that which they received in 1969 are as follows:

	1970	*1969*
Frontenac	$2,000.00	$1,700.00
Haldimand	750.00	600.00
Halton	2,000.00	1,783.34
Kenora	750.00	600.00

Lincoln		2,000.00		1,850.00
Ontario		2,000.00		1,850.00
Parry Sound	$750.00		$600.00	
Payment on loan (1970)	200.00	550.00	200.00	400.00
Prescott & Russell		750.00		600.00
Simcoe		2,000.00		1,850.00
Welland		2,000.00		1,850.00
Wellington		2,000.00		1,650.00

Approved

RAINY RIVER DISTRICT LAW ASSOCIATION

A request has been received from the Rainy River District Law Association for a Special Grant under Rule 105 of the Rules. This Association requests the amount of $1,648.54 to pay off existing liabilities plus a further amount to purchase certain texts.

Particulars of liabilities at December 31st, 1969, are as follows:

Librarians salary	$150.00	
Carswell Company	397.55	
Canada Law Book	410.00	
Butterworths	495.75	
CCH Canadian Ltd.	185.00	
Richard De Boo	9.95	$1,648.54

Membership fees of this Law Association were increased in 1969 from $20 to $40 per member and they have again been increased to $50 for 1970. Total income for 1969 was $1,182.99, and expenditures during 1969 were $896.98, leaving a cash balance of $268.98.

Income for 1970 should approximate $1,586.98. Expenditures for 1970 are estimated at $2,900.94 leaving a deficit of $1,313.96.

This Association was incorporated by letters patent in 1909. During her last inspection of the Association's library, the Chief Librarian noted that the Association had the basic reports and statutes for Canada and Ontario on hand. It also had current material on criminal law and Canadian Digests but the latest edition of Halsbury's Laws of England was not on hand. The Association has about 80 texts but it does not have many new titles which it should have.

This library is in an isolated location. Its closest associated libraries are Kenora and Thunder Bay and there are no local resources on which it can rely.

Subject to the approval of the Finance Committee, your Committee recommends that a Special Grant under Rule 105 of the Rules be made to this Law Association in the amount of $1,648.54.

REPORTING

CONTRACT FOR PUBLICATION OF ONTARIO REPORTS

Tenders for publishing the Ontario Reports have now been received from Canada Law Book Limited, The Carswell Co. Ltd., and Butterworth & Co. (Canada) Ltd. Your Committee appointed a Sub-Committee consisting of Messrs. Steele, Chairman, Ford, Maloney and Strauss to review the Tenders and make recommendations as to what Company should be awarded the contract and also as to the form of the contract.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 7th of May, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Lochead and Steele.

Your Committee had before it one routine matter in respect of which instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 6th day of May, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Caldbick, Levinter, Lochead and O'Driscoll.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of March, 1970.

This report indicates that for the fiscal year ended March 31, 1970, the Legal Aid Fund expended $913,000 more than had been provided for in the Government's budget of 1969/70.

This additional expenditure was financed by:

Treasurer of Ontario	$746,000
Client contributions and recoveries in excess of anticipated receipts	158,000
Miscellaneous income — mostly recoveries from solicitors	24,000
	928,000
Less: Balance to credit of Fund	15,000
	$913,000

The excess expenditure is accounted for as follows:

	Over Budget	*Under Budget*
Legal Aid Fees and disbursements:		
Divorce	$1,049,000	
Other Civil	23,000	
Criminal		$300,000
Duty Counsel		37,000
Administrative expenses	132,000	
Previous year's deficit	46,000	
	$1,250,000	
	337,000	$337,000
	$913,000	

The increase of $132,000 in administrative expenses was primarily caused by the addition of staff whose appointments were not foreseen at the time of budget preparation. Such additions included two Assistants to the Provincial Director, one full-time Investigator, two part-time Interviewing Lawyers in the York County office, Deputy Area Directors in the Counties of Carleton and Essex and approximately eight clerical staff in certain area offices.

(b) The Director submitted an Annual Report pursuant to Section 96 of the Regulation for the year ended March 31, 1970.

On this report comparative figures for the year ended March 31, 1969, are shown in parentheses. Allowing for the fact that in areas 1-45 informal applications were recorded only for eight months of the last year, the comparison shows that while informal applications have tended to increase, the Form 2 applications show a reduction of approximately 6,000 for the fiscal year just ended. This reduction is confirmed by the fact that total certificates issued in the year ended March 31, 1970, were 6,000 fewer than for the previous year.

As at March 31, 1970, amounts receivable from contributing clients and in respect of client recoveries totalled $2,405,000. Even allowing for the fact that many of the contributing accounts must be considered as hopeless and that many legal aid clients are awarded sums against judgment proof debtors, this aspect of legal aid must continue to be a matter of concern. Up until the present time the Government of Ontario has been reluctant to endorse a hard-line approach to the business of collections, such as for example by the use of outside professional agencies. However, such an approach may well be the only way by which this substantial indebtedness can be reduced.

Controller's Report

(a) The Controller submitted a Summary of Applications for the 12 months ended March 31, 1970.

This report carries the details of legal aid activity by each of the 46 areas. Comparisons of total figures for the Province with those of the preceding year have been made in the notes accompanying the Annual Report of the Director of Legal Aid pursuant to Section 96 of the Regulation.

(b) (i) The Controller submitted recommendations as to the writing-off of client recoveries pursuant to Section 98(2) of the Regulation.

Your Committee moved that the recommendations as to the writing-off of client recoveries pursuant to Section 98(2) of the Regulation be approved.

(b) (ii) The Controller submitted recommendations as to the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

Your Committee moved that the recommendations as to the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation be approved.

(c) The Controller submitted a Financial Statement for presentation to the Provincial Auditor for the year ended March 31, 1970.

(d) The following leases which have been approved by John D. Honsberger, Q.C., on behalf of the Law Society, were approved by your Committee:

(i) *Halton County Legal Air office* — 345 Lakeshore Rd. E., Ste. 212, Oakville — two years — Nov. 1, 1969 to October 31, 1971 — $261 per month.

(ii) *Carleton County Legal Aid office* — 130 Albert St., Ste. 1600, Ottawa — 1 year, April 1, 1970 to March 31, 1971 — $533 per month.

LEGAL ACCOUNTS OFFICER

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the three months ended April 30, 1970.

(b) The Legal Accounts Officer submitted a report for the month of April, 1970, with respect to reviews and appeals.

(c) The Assistant Legal Accounts Officer submitted a memorandum with respect to solicitors billing legal aid for photocopying.

The Assistant recommended that the following policy should be adopted:

> Photocopying as a disbursement on legal aid accounts will be allowed for reproduction of material in preparation of Appeal Books, evidence and exhibits, but not for reproduction of documentation generally in the class of pleadings and customarily typed in normal office practice. The request for payment on photocopying disbursements must indicate in sufficient detail the material which was reproduced; failing which no allowance will be made. A charge of ten cents per folio or page will be the maximum allowed for photocopying.

Your Committee requested the Director to publicize the policy through a notice in the Ontario Reports.

SECTION 18 AND SECTION 17(2) — THE LEGAL AID ACT

Your Committee reviewed correspondence from a solicitor requesting authority to disburse the proceeds of a settlement. The settlement was not in an amount sufficient to pay back to the Legal Aid Fund the costs which were, in fact, paid by the Fund.

The solicitor argued that he had made every effort to protect the Fund by urging the client to accept a settlement in order to avoid a two-day trial which the solicitor felt would have been unsuccessful for the client. As a consequence of such a trial the solicitor's account would have been larger and no recovery would have been obtained.

Mrs. Audrey C. R. Rosenthal, Assistant Provincial Director, wrote the solicitor advising him that under Section 18 of the Legal Aid Act the costs paid to a person to whom legal aid has been given under the Act are the property of the Law Society and shall be paid into the Fund; that under the provisions of Section 17, sub-section 2 of the Legal Aid Act, the Legal Aid Fund has a lien on any sum recovered as a result of a person having been given Legal Aid to the extent of the costs payable under the Act.

Your Committee was in agreement with Mrs. Rosenthal. If the Plan agreed to this solicitor's request, the effect would be that the Ontario taxpayer would be paying the client's claim since all the client is entitled to under the Plan is his settlement less the costs paid by the Legal Aid Fund.

SECTION 139 OF THE REGULATION LIMITATION OF REMUNERATION

Your Committee reviewed correspondence from James B. Chadwick, Area Director, Carleton County, in which he asked if a solicitor acting under a legal aid certificate could be permitted to retain a fee over and above the legal aid remuneration when he has been retained by the Ontario Hospital Services Commission to protect their interests. The Commission's fee is usually 10% of the recovery.

Your Committee is of the opinion that these costs are not precluded by the Regulation; that the solicitor is entitled to the retainer over and above the legal aid remuneration when he has been retained by the Ontario Hospital Services Commission to protect their interests and as a result of this opinion, passed the following resolution:

> "When a solicitor represents a legally aided client in an action and includes in the name of such client a subrogated claim or claims, such solicitor is justified in retaining any solicitor and client costs recovered with respect to the subrogated claim or claims and is not required to account for such costs to the Legal Aid Plan."

Your Committee requested the Director to publicize this resolution in the Ontario Reports.

APPOINTMENT OF ASSISTANT PROVINCIAL DIRECTOR

Your Committee approved the appointment as of May 1, 1970, of Lucien Beaulieu, Solicitor, as Assistant Provincial Director.

The Minister of Justice and Attorney General has approved the appointment.

APPOINTMENT OF ASSOCIATE AREA DIRECTOR, YORK COUNTY

Your Committee approved the appointment of W. R. Donkin, Deputy Area Director, York County, as Associate Area Director, York County, under Section 8, subsection 2 of the Regulation which reads:

> "8.(2) One or more deputy area directors may be appointed by the Law Society for any area and, in the County of York, an associate director may be appointed in lieu of or in addition to a deputy director or deputy directors."

SECTION 15(a) THE LEGAL AID ACT
WHERE LEGAL AID NOT TO BE GIVEN

W. R. Donkin, Deputy Area Director, York County, wrote the Director with respect to an application to defend an action for criminal conversation and alienation of affections.

The Director advised the Deputy Area Director that a certificate should not issue under Section 15(a) of the Act. The application was refused and the applicant appealed to the York County Area Committee.

The York County Area Committee resolved that the decision of the Area Director be overruled and that a certificate should issue. That Committee further ruled that if such approval by the legal aid administrators is not forthcoming, then the Legal Aid Programme Committee should amend the Act to permit the defence of an action of this kind.

Your Committee while sympathetic to the application, confirmed that it had no authority under the statute to approve the issuance of a certificate to defend an action for criminal conversation and alienation of affections and moved that the application be refused.

The Director was instructed to inform the York County Area Committee that their recommendation to amend the Act to permit the defence of an action of this kind will be referred to the Sub-Committee on Amendments to the Act and Regulation.

GUARDIAN AD LITEM

In a report to Convocation dated September 13, 1968, the Committee confirmed a previous decision which was reported to Convocation, that it is not proper for a solicitor acting as guardian ad litem in a legal aid matter to charge a fee. This decision was communicated to all area directors.

On March 19, 1970, the York County Area Director wrote the Director advising that he had received a request from a solicitor to take proceedings to appoint a guardian ad litem for an infant co-respondent in a divorce action.

The York County Area Committee wished to be advised of the reasons for the Programme Committee's decision not to allow a fee to a solicitor acting as guardian ad litem.

Your Committee reaffirmed its decision that a solicitor should not charge a fee to act as guardian ad litem in a legal aid matter.

The Director was instructed to advise the York County Area Committee that there is no provision in the legal aid tariff for a solicitor to act as guardian ad litem. The Committee's decision is also based on the fact that such an appointment does not usually involve legal services since the services can be classified as a routine convenience and does not involve time spent.

However, should court attendance be required, the Rules of Practice provide for the appointment of the Official Guardian.

PAYMENT OF COSTS
PART VII OF THE REGULATION

(a) Wayne E. Doxsee, Solicitor, Kirkland Lake, applied for payment of costs in the amount of $613 under Part VII of the Regulation on behalf of his legally aided client, Antoine Benjamin Kiazyk. The solicitor acted for Mr. Kiazyk in defending a petition for divorce, alimony, custody and maintenance of the children.

Mr. Kiazyk was successful in his defence of the petition to the extent that he was awarded custody of the four children in his possession. The petitioner was awarded custody of a child who had remained in her possession. The claim for alimony and maintenance was dismissed. However, costs were awarded against Mr. Kiazyk.

Frank R. Mott-Trills, Solicitor, Toronto, was privately retained to act for Mrs. Kiazyk.

The application was refused since no real hardship would result if the costs were not paid from the Legal Aid Fund.

(b) George C. Loucks, Solicitor, Grey County, applied for payment of costs under Part VII of the Regulation. Mr. Loucks was the solicitor for the plaintiff, Allan Loucks, in a Division Court action where judgment and party and party costs in the amount of $70.70 were awarded against a legally aided client, Joseph Bruno.

Donald R. Neilson, Solicitor, acted for the defendant, Joseph Bruno.

The application was refused since no real hardship would result if the costs were not paid from the Legal Aid Fund.

AREA COMMITTEES

Section 14(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Leeds and Grenville
Harry C. Clarke, Solicitor, Gananoque
David W. Grant, Solicitor, Prescott.

Huron County
J. T. Goodall, Solicitor, Wingham.

Northumberland and Durham
James H. Clarke, Solicitor, Cobourg.

Frontenac County
Philip D. Quinton, Solicitor.

Simcoe County
W. M. Thompson, Q.C.

PROPOSED AMENDMENT TO SECTION 18 OF THE LEGAL AID ACT

The Registrar of the Supreme Court of Canada questioned the ability of a successful legally-aided person to tax costs awarded in excess of his personal liability to pay costs.

After taking the advice of counsel on the problem as raised, your Committee recommended that the uncertainties of the situation be resolved in seeking an amendment to Section 18 of the Act.

Section 18 of the Legal Aid Act reads as follows:

> "18. Any costs paid or payable to a person to whom legal aid has been given under this Act are the property of the Law Society and shall be paid into the Fund."

The following is the proposed amendment to the said Section 18:

> The costs awarded in any order heretofore or hereafter made in favour of a person to whom legal aid has been given are recoverable in the same manner and to the same

> extent as though awarded to a person to whom legal aid has not been given notwithstanding that no amount has been paid or is or will be payable for costs by such legally-aided person in whose favor the order is made or that costs so ordered are in excess of the total amount paid or payable for costs by such legally-aided person, and all costs paid or payable to such legally-aided person pursuant to any such order are the property of the Law Society and shall be paid into the Fund.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Thursday, the 7th day of May, 1970, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele, and Miss R. McCormick.

For several years we have received comments, inquiries and question regarding the demand for lawyers — whether there are enough lawyers or too many lawyers.

Last February, as a result of a further letter from a member suggesting that the number of graduates in law should be restricted, the Treasurer requested this Committee to consider the matter and, at the same time, referred to his statement made at the Annual Meeting this year, which reads, in part, as follows:

> "By 1974 it is anticipated that the legal profession will increase its membership in Ontario by more than one-third, from 7,000 to 10,000. This is a very substantial increase. The study which was completed in 1968 by The Ontario Institute for Studies in Education in order to determine the manpower requirements in Ontario estimated that there would only be 8,300 lawyers in Ontario in 1976 and 12,300 in 1986. This Study did not take into consideration what effect special factors such as the Ontario Legal Aid Plan, or the changes in taxation and estate laws, might have on the demand for lawyers. There are approximately 450 students who will be called to the Bar in March 1970, but there are 934 in the first year of the Ontario law schools.
>
> Whilst the present graduating classes are being readily absorbed in practice the Presidents of the County and District Law Associations reported last November that

> there was no marked shortage of lawyers in the Province. It is extremely difficult to assess what the need for lawyers who wish to engage in the practice of law will be over the next five to ten years. Many of those who have completed their legal training enter the business world or other fields of endeavour. Of the 7,000 members of the legal profession in Ontario at the present time some 5,500 are engaged in the practice of law in this Province. There is another factor which must be borne in mind and that is the training of law clerks. They are technicians who are trained to assist lawyers so that the legal services can be rendered more economically. Five Community Colleges are conducting courses for law clerks and there will be 250 who will complete these courses this year. Another five Community Colleges are contemplating starting such courses later this year. The training of law clerks will inevitably have some effect on the overall demand for lawyers.
>
> I felt I should place these facts before you so that those who are contemplating the study of law would be aware of the relevant facts. There may come a point within a few years' time when the number of lawyers who are seeking employment in the active practice of law exceeds the demand."

The Deans of the various law schools and the Director of the Bar Admission Course were requested to provide your Committee with figures in respect of their present enrolment in their courses and anticipated enrolment for each of the next five years.

The report of the 1968 meeting with the County Law Associations contained the following statement:

> "Mr. Fennell, Chairman of the Special Committee on Planning, told the meeting that the Society has met with Dr. Cicely Watson of the Ontario Institute for Studies and Education to find out whether a survey could predict the number of lawyers that will be needed in Ontario in the years to come. He asked the meeting whether a critical shortage of lawyers exists in the smaller communities explaining that it is difficult to assess the supply since some demands have been made from places too small to support a lawyer and that this tends to give a false picture of the real need. He said that according to Dr. Watson an accurate survey of the present position would take at least a year and cost about $50,000. Some

> said that the shortage exists because lawyers cannot be persuaded to leave the urban centres and consequently the service to rural communities is inadequate, particularly in litigation. Others contended that some towns that are now without lawyers are as well served as when they had lawyers because communications have so much improved that it is easy for them to obtain legal assistance in nearby larger towns and cities. These larger centres, however, need new men and Legal Aid will accentuate the need by putting legal services within the reach of citizens who have not used lawyers before, particularly those living in Indian communities and seasonal employees like trappers and woodsmen. It was generally agreed that a shortage exists outside the cities and the meeting favoured the Society pursuing the question of a comprehensive survey of the present position and of the need for the future. Mr. Roberts told the meeting of the placement service he is inaugurating in connection with the Bar Admission Course which should help supply students in outlying districts."

The report of the 1969 meeting with the County Law Associations contained the following statement:

> "SHORTAGE OF LAWYERS
>
> The matter was discussed only very briefly and no area reported a shortage of lawyers."

Your Committee is not aware of any serious shortage of lawyers in this province; nor is it aware of any surplus. It would therefore appear to be a fair conclusion that the present rate of persons entering the profession is adequate to satisfy the public need in this province; and any substantial increase in this rate may well result in an oversupply of lawyers.

Your Committee is of the opinion that it would be unwise to embark upon a policy of numerical restriction on those entering the profession. The recent book of Bennion on Professional Ethics, recently published in England, and which is receiving substantial circulation in Canada, refers to this subject in the following terms:

> "Professional bodies are sometimes accused of artificially restricting entry to the profession by setting the level of competence required too high. Even worse, they are suspected of raising and lowering the level in order to secure that a predetermined number of entrants should

> be admitted each year. This complaint is often heard from unsuccessful examination candidates; it is almost certainly unfounded. Carr-Saunders and Wilson reported that the only case of limitation of the number of entrants they had encountered was in the case of stockbrokers, which they defended on the grounds that without such a limitation a private market could not be preserved and the absence of such a market would endanger discipline. Although the Prices and Income Board has shown a tendency to regard the professions it has examined as oversupplied with manpower, evidence of this is very difficult to substantiate. It would be a dangerous thing for anybody to presume to know several years in advance how many new entrants a profession needed, and to govern the entry accordingly. Quite apart from the fact that surplus practitioners will tend to be weeded out by economic forces, there are often people who seek a qualification without intending to practise in that profession. The best known example of this is the Bar, where a large proportion of those who qualify are not in practice as barristers five years later."

In Canada, it has generally been accepted that the legal profession was an open profession and that no numerical restriction has been imposed.

Your Committee is mindful that legal education at the undergraduate level is expensive and is substantially subsidized by public funds. Even our Bar Admission Course is now receiving a substantial grant from public funds.

The imposition of a numerical restriction would be hard to justify. As has been pointed out, many who take a course in law do not practise law. The demand for lawyers fluctuates with economic conditions, so much so that it would be extremely difficult, if not impossible, to forecast with any useful degree of accuracy the number of lawyers who might be required in this province at any given time in the future.

Your Committee respectfully suggest that the emphasis should be placed on the quality of the product and that the only restriction should be based on the ability of the Bar Admission Course to adequately train those who are admitted, and that this matter be left with the Committee on Legal Education.

The following information was obtained from Mr. A. E. Bennett, Comptroller:

Present membership in the Law Society (including 400 graduates this year)	7,375
Members practising or otherwise employed in Ontario	6,872
Number of practising lawyers in Toronto (including 189 of the 400 graduates this year)	3,682

The following information was obtained from The Department of Municipal Affairs:

Population in Ontario as of 1st January 1970	7,567,000

The following are the projected figures for the next five years as estimated by The Department of Treasury and Economics:

1971 —	7,682,000
1972 —	7,786,000
1973 —	7,921,000
1974 —	8,058,000
1975 —	8,199,000

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Cassels

Your Committee met on Thursday, the 7th day of May, 1970, the following members being present: Mr. Cassels, Chairman, and Messrs. Beament and Honsberger.

Your Committee gave consideration to the cost involved in renovating and equipping for Muniments and Memorabilia the area in the attic above the Benchers' quarters. There are three rooms in the attic which your Committee anticipates it will eventually put to use. Your Committee intends to set up the area in stages starting with the most westerly room which overlooks the main entrance to Osgoode Hall. Mr. Tom Jackson, who supervised the interior decoration of the Society's new office quarters, attended the meeting to assist and advise your Committee.

Your Committee had before it a partial catalogue of all of the Muniments and Memorabilia which it has on hand. Your Committee will be meeting again in June and it is intended that this catalogue should be completed by that time and that it will be submitted with an estimate of the cost involved in preparing the rooms for housing the collection.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON APPOINTMENT OF FULL-TIME COUNSEL TO THE LAW SOCIETY

Mr. MacKinnon

Your Committee met on Monday, the 11th day of May at 10 o'clock in the morning, the following members being present: Mr. Martin (Chairman) and Messrs. MacKinnon and Strauss, and make the following interim report:

Your Committee does not recommend at this time the appointment of a full-time employee of the Society to act as Counsel in all Discipline matters, but is of the opinion that there is merit in considering augmenting the Secretary's staff by the appointment of a young lawyer who would be able to do research not only for the Discipline Committee, but also for other Committees and who could assist outside Counsel in the preparation of complex discipline matters. He would also be in a position to present Compensation Fund matters and less complex discipline cases. This would leave more time for the present staff to perform administrative functions and would also reduce the costs to the Society whilst still retaining the independent judgment of senior counsel who would continue to be engaged from time to time in complex matters. During the past year outside counsel retained in discipline matters have been paid a total of $20,500 and those retained in Compensation Fund matters have been paid a total of $13,900.

Your Committee intends to meet again to consider the matter further before making a specific recommendation to Convocation.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON COURT REPORTING SERVICES—Mr. Beament

Mr. Beament presented the Report of the Special Committee on Court Reporting Services.

Your Special Committee met on Thursday, the 7th day of May, 1970, at 2:00 p.m., the following members being present: Mr. Beament, Chairman, and Messrs. Cass, Lochead and Pepper.

Your Committee had before it the letter dated the 31st March, 1970, signed by the Secretary and sent to the Presidents of the County and District Law Associations and to the Local Registrars of the Supreme Court of Ontario, and replies from twenty-nine County and District Law Associations and thirty-eight from the Local Registrars. The response indicated that in only six areas was there any need for more reporters and then only occasionally in particularly busy times. There appeared to be no serious shortage in any area, though concern was expressed that the supply of able court reporters might not be maintained in the future.

Your Committee recommends that it be authorized to forward to the Inspector of Legal Offices the letters from those areas where some problem exists and to refer to him the general problem of the supply of competent court reporters in the future.

Your Committee also recommends that it be discharged when this has been done.

THE REPORT WAS ADOPTED.

MOTION

Moved by Mr. Bowlby, seconded by Mr. O'Driscoll that Convocation request the Treasurer to name a Sub-committee to examine into the following matters:

(a) The feasibility of compiling a catalogue of disciplinary matters which have been dealt with by Convocation for a period of time prior to the date of this Motion, to be fixed by the Sub-Committee, but not to be less than five years.

(b) To explore the feasibility of making past decisions of Convocation dealing with disciplinary matters available to counsel appearing for members of the Society against whom a Notice of Complaint has been served, with special reference to the problem of preserving where necessary the anonymity of the member of the Society who was so disciplined by Convocation.

(c) The Sub-committee to be empowered to employ a research assistant subject to obtaining consent from the Finance Committee or Convocation in matters of remuneration.

(d) The Sub-Committee after having completed this report will first present it to the Discipline Committee for its consideration before it is considered by Convocation.

Moved in amendment by Mr. MacKinnon, seconded by Mr. Robins, that, with the exception of sub-paragraph (d), the matters referred to in sub-paragraphs (a), (b) and (c) of the Motion be referred to the Discipline Committee for consideration. *Carried*

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Chief Justice Fauteux thanking the Treasurer and Benchers for their letter extending congratulations on his appointment as Chief Justice of Canada.

Letters from the Honourable Mr. Justice Fraser and Principal D. V. LePan thanking the Treasurer and Benchers for entertaining them at luncheon on April 24th.

Letter from the John Howard Society advising of a motion that had been passed at their Annual Meeting expressing appreciation to the Law Society for supplying the facilities of Convocation Hall for their Annual Meeting and dinner, and for the co-operation of Mr. Glen and his staff.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 19th day of June, 1970.

G. A. MARTIN,
Treasurer

MINUTES OF SPECIAL CONVOCATION

on the campus of York University

Tuesday, 9th June 1970
2:30 p.m.

PRESENT:

The Treasurer and Messrs. Evans, Robins, Sedgwick and Thom.

When the decision was taken to affiliate Osgoode Hall Law School with York University the students who had already embarked on their law course were given the option of receiving upon graduation an LL.B. degree from the Law Society or from York University. The graduates of Osgoode Hall Law School of York University assembled in the open air on the campus of York University. The Marshal of the University, the Dean and Faculty, Osgoode Hall Law School of York University, the honorary doctorand, members of the Executive Committee of the Senate and University academic officers, members of the Board of Governors and Benchers of the Law Society of Upper Canada, the Secretary of the Senate, and the Chancellor and the Treasurer preceded by the Beadle with Mace, proceeded to a dais erected on the lawn.

The Secretary of the Senate called for order, and Dean Gerald E. LeDain, Q.C., spoke briefly to the graduating students and their guests.

Candidates for the degrees of Master of Laws and Bachelor of Laws were presented to the Chancellor of York University and to the Treasurer. The following having elected to receive their degree from the Law Society of Upper Canada, had conferred upon them the degree of Bachelor of Laws by the Treasurer:

The following have passed with Honours:

Joel Shafer
Solomon Spiro
Thomas James Weisz
George William Adams
James Alan Hodgson
Miriam Debra Rynski Isenberg
Michael Elliott Reed
Ronald Nairn Waterman.

The following have passed:

Robert Bernard Aaron
Robert Arthur Alexander
Sheldon Altman
Henry Altschuler
Vidas John Augaitis
Michael William Bader
Michael Laverne Baker
Henry Bank
James Wilmot Baribault
Jeffrey Howard Bernstein
Margaret Joyce Black
Stephen Dennis James Braithwaite
Joseph Bulwa
Edward Burstein
David Dov Cale
Harold Francis Caley
Frederick Lyman Carruthers
Ronald Gordon Chapman
David John Christie
Terence Lee Clarke
Robert Cohen
Francis Weeden Cole
John Vincent Cosman
Norman Albert Crawford
Donald James Cresswell
Kenneth George Crompton
Iain Stewart Cunningham
Harold Allen Dale
Robert George Silvio Del Frate
Christopher James Dingle
Norman Direnfeld
Irwin Albert Duncan
James Reid Duncan
Thomas Seymour Dungey
Ernest Larry Eves
Shaul Isaac Ezer
Alan Earle Farber
Frederick Benedict Fortier
Howard Lawrence Fox
Donald Lorne Fuller
Hugh Hilliard Galbraith
Raymond Michael Gelgoot
David Michael Goodman
Kenneth Goodman
Gordon Alexander Grant
Graham Duncan Grant
Monty Gula
Michael Allan Hardy
Phillip Rice Alexander Hooker
Edward Philip Horton
Paul Michael Iacono
Alvin Isenberg
Donald Malcolm Jamieson
Joseph John Janoscik
James Henry Johnson
Dennis Grant Johnston
Allan Irving Kaplan
Norman Michael Karam
Hendrik Keesmaat
William Bruce Kerr
Christoph Walter Kilian
Ronald Seymour Kimel
Harvey Joseph Kirsh
Richard Andrew Kozlowski
Elaine Francie Krivel
William Albert Landon
Lionel Chester Larry
Arthur Bryan Preston Leggett
Reginald Levesque
Hugh Arthur Levin
Bernd-André Lichtenheldt
Ronald Michael Lieberman
Douglas Reid Lisso
Frank Loconte
Donald Clifford Loney
Peter Donovan Lowry
John David Maloney
Stansilaw Anthony Mamak
Stephen Boyd Marshall
Thomas David Marshall
Brian McCann
Daniel John McDonald
David Wallace McKay
Keith Ian McLean

William John McNaughton
Ian Douglas Carlyle McPhail
Blain William Milne
Michael John Moriarity
Morley Neinstein
Ronald Douglas Noble
Hedley David Ovenden
Victor Louis Palermo
Chris George Paliare
Joel Richard Palter
Barry Thomas Paquette
Richard Herbert Matthew Parker
Lorne Edwin Parkhill
Donald Murray Paton
John William Peace
Elizabeth Carol Peifer
Nicholas Jane Pepino
Lloyd Anthony Pezze
John Joseph Pizale
John Poot
Alan William Pope
David George Aarvik Purvis
Manfred Christian Rainer
John Herbert Reble
Joseph Archibald Reichenbach
Paul Allen Richler
James Charles Riddell
Benjamin Albert Ring
John Walter Robb
Robert Bruce Savage
George Schnall
Harvey Richard Shanbaum
William Joseph Vincent Sheridan
Gary Shiffman
Robert Marvin Shnier
Frances Myers Smookler
Robert Solomon
Larry Spodek
Howard Steinberg
Robert Calvert Stonehouse
James Blackwell Stratton
Wolfram William Stutz
Lawrence Patrick Thibideau
Arno Jaakko Tolonen
Ronald Tomosk
Terrence Joseph Tone
Robert Anthony Tripodi
Timothy Northgrave Trow
Gunter Vordemberge
Nadia Adele Vordemberge
Andrea Judith Walker
Bruce Douglas Warner
Robert David Warren
Robert Gary Wasserman
Wayne Robert Watterworth
Raymond Scott Wright

The Treasurer then addressed the members of the graduating class and their guests.

The Dean presented the following medals, scholarships and prizes:

Gold Medal — J. Shafer.

Silver Medal — S. Spiro, T. J. Weisz.

Bronze Medal — G. W. Adams, J. A. Hodgson, R. N. Waterman

The Chancellor Van Koughnet Scholarship — J. Shafer, S. Spiro and T. J. Weisz.

The Christopher Robinson Memorial Scholarship — J. Shafer, S. Spiro and T. J. Weisz.

The Matthew Wilson Memorial Scholarship — J. Shafer, S. Spiro and T. J. Weisz.

The Clara Brett Martin Memorial Scholarship — J. Shafer, W. J. V. Sheridan and T. J. Weisz.

The Prize in Conflict of Laws — M. D. R. Isenberg.

The Prize in Creditor's Rights — J. Shafer.

The Insurance Company of North America Prize in Insurance Law — H. C. Mills Memorial Award — T. J. Weisz.

The Northern Ontario Prize — D. J. Christie.

The Butterworth Prize — R. N. Waterman.

The Thomas Cowper Robinette Memorial Prize — P. Cavalluzzo.

The Canada Permanent Trust Company Prize — J. A. Hodgson and M. E. Reed.

The President of the Legal and Literary Society then presented the Gold Key Awards.

The University Orator read the citation requesting the Chancellor to confer upon Myres Smith McDougal the degree of Doctor of Laws, honoris causa.

Professor Myers Smith McDougal, Sterling Professor of Law, Yale Law School, addressed Convocation.

CONVOCATION THEN ROSE.

The academic procession then withdrew and a reception for the graduates, their families and friends was held in the Osgoode Law School building.

Read in Convocation and confirmed this 19th day of June, 1970.

G. ARTHUR MARTIN,
Treasurer.

MINUTES OF SPECIAL CONVOCATION

Thursday, 18th June 1970
10 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.), and Messrs. Bowlby, Estey, Evans, Fennell, Ford, Gray, Henderson, Levinter, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Steele, Strauss and Thom.

DISCIPLINE COMMITTEE—Mr. Evans

RE: EMIL THEODORE LENKO, Hamilton

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF EMIL THEODORE LENKO OF THE CITY OF HAMILTON, A BARRISTER AND SOLICITOR.

A complaint having been received, the Society's auditors attended at the Solicitor's office to make an investigation. Their effort resulted in a Notice of Complaint being issued containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. On or about the 30th day of June, 1969, received $14,940.26, more or less, in trust for Aloizs and Genevieve Upenieks, being the proceeds from a certain mortgage of real property, and misappropriated it;
> 2. On or about the 15th day of August, 1969, drew $5,000, more or less, from your trust bank account, being monies other than those properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;
> 3. On or about the 1st day of October, 1969, misappropriated from a trust bank account of your practice monies held in trust for clients totalling $12,937.17, more or less;
>
> (4.
> (5. These specific complaints are not published
> (6. because they were not found to be established.

The Notice of Complaint was made returnable on the 6th of March, 1970. Your Committee, composed of Mr. Nathan Strauss as Chairman and Messrs. Thom and P. D. Wilson, convened at the appointed time. The solicitor attended and requested an adjournment. This was granted to the 30th day of April, 1970, at 10:00 o'clock in the forenoon.

Your Committee, composed of Mr. Nathan Strauss as Chairman and Messrs. Bowlby and Seymour, convened at the appointed time. The solicitor attended with his counsel, Mr. John White, Q.C.

John F. Hughes testified that he is employed by the Law Society and that he had conducted the examination of the solicitor's books. The witness stated that as of the date of the report, namely, the 18th of February, 1970, the solicitor's trust account had no shortage. Since that date the solicitor's audit has every two weeks filed reports indicating that this position has been maintained. The witness agreed that the solicitor had been fair and candid and had in fact drawn the witness' attention to one of the transactions in question.

Your Committee, on the evidence adduced, finds specific complaints one, two and three to be established as admitted. Specific complaint number four is not found to be established. Your Committee made no finding as to specific complaints five and six. It is the opinion of the Committee that the solicitor is basically honest and that he had relied on the honesty of his clients and the undertakings that they gave to him. Your Committee has also taken into consideration the character evidence given on the solicitor's behalf, the evidence with respect to the solicitor's health at the time the misconduct occurred and that no client has suffered a loss.

Your Committee recommends that the solicitor be reprimanded in Convocation, that the fact of the reprimand be published and that the solicitor be obliged to pay the costs of the Society's investigation. In addition, your Committee recommends that the solicitor be obliged to file quarterly audited statements with the Society for a period of three years.

Emil Theodore Lenko was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on April 13th, 1962.

The Report was adopted.

Mr. Evans took no part in the discussion and did not vote.

The solicitor returned and was reprimanded by the Treasurer.

RE: WALTER DONCASTER SMITH, London

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF WALTER DONCASTER SMITH OF THE CITY OF LONDON, A BARRISTER AND SOLICITOR.

The solicitor having failed to file an auditor's report for the period ending November 30th, 1969, the Society's auditors attended at his office and conducted an investigation, resulting in a report dated the 23rd of April, 1969. The inspection showed that the solicitor's books and records did not meet the minimum requirements of Rules 7 and 8 of the Rules Respecting Accounts. The report stated:

> "Mr. Smith's accounting records for trust transactions consisted of a cash receipt and disbursement record and a clients' trust ledger. These records were entered only to October 31st, 1967, at the time of our visit. He also had cashed cheques and bank statements for his trust bank account, however, these were not maintained in any one place or semblance of order and it took Mr. Smith more than an hour to find all of these records for the period from October 31st, 1967, to February 29th, 1969.
>
> "Stubs of trust cheques were completed for the most part and duplicates of deposit slips for the trust bank account identified the clients whose monies were being deposited. Trial balances of the clients' trust ledger were available as at October 31st, 1966, and October 31st, 1967, however, we could see no evidence that trial balances and trust bank reconciliations had been performed at each month-end during that two-year period as required by Rule 8(e) of the Rules Respecting Accounts."

During a surprise audit of the London area, the solicitor's office was visited toward the latter part of June, 1969. The inspection noted no change in the solicitor's books. As a result of this and also the solicitor's failure to reply to the Society's letter concerning a complaint against professional conduct, a Notice of Complaint was issued containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional conduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. have not replied to letters from The Law Society of Upper Canada in connection with a complaint against your professional conduct;

2. have failed to maintain books, records and accounts in connection with your practice in accordance with Rules 7 and 8 of the Rules Respecting Accounts;
3. contrary to Rule 9 of the Rules Respecting Accounts did not, on or before the 30th day of November, 1968, file with the Society either a report duly completed by a public accountant and signed by you in the prescribed form or a statutory declaration as provided by the Rule."

Your Committee, composed of Mr. P. B. C. Pepper, Chairman, and Messrs. Estey and P. D. Wilson, met at the appointed time, namely, the 24th day of October, 1969, at 10:00 o'clock in the forenoon. The solicitor attended without counsel.

Your Committee met on three occasions with respect to this solicitor, October 24th, 1969, November 18th, 1969, and April 14th, 1970. One-third of the original complaint dealt with the solicitor's failure to maintain books and records. Despite the Committee's warnings, the solicitor has to this date failed to maintain the proper books, records and accounts.

Your Committee unanimously concluded that its only course was to recommend that the solicitor be suspended from practice as a barrister and solicitor for a period of three months.

Walter Doncaster Smith was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 19th day of May, 1921.

The solicitor attended without counsel, acknowledged receiving the Committee's Report, and made submissions to Convocation. He filed a letter, Exhibit (1), from Riddell, Stead & Company, Chartered Accountants, dated June 17, 1970.

The solicitor withdrew.

Moved by Mr. Gray, seconded by Mr. MacKinnon, that the matter be adjourned to a Special Convocation in July upon the solicitor undertaking to bring his records into compliance with the Society's rules forthwith, and to instruct his auditors to proceed with the necessary work to keep the Society's auditors advised.

Moved in amendment by Mr. Levinter, seconded by Mr. Evans, that the solicitor be required to give the further undertaking that he will not engage in practice until a properly completed Schedule "A" has been filed with the Society.

The amendment was lost.

The motion was carried.

The solicitor returned and the Treasurer advised him of the adjournment and of the undertakings.

The solicitor authorized the Society to communicate directly with his auditors, and to instruct his auditors to cooperate with the Society's auditors.

Mr. Estey and Mr. O'Driscoll were not present during the discussion and did not vote.

RE: MANNING F. SWARTZ, Oshawa

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF MANNING F. SWARTZ OF THE CITY OF OSHAWA, A BARRISTER AND SOLICITOR.

The following Notice of Complaint was issued against this Solicitor returnable before your Committee on 5th December, 1969, at 10:00 a.m.:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you pleaded guilty and
>
> 1. were convicted on the 17th day of October, 1969, under the Income Tax Act, R.S.C. 1952 upon the charge that you, on or about the 30th day of April, 1964, made a false or deceptive statement in your return of income for the taxation year 1963 filed by you as required by the Income Tax Act, R.S.C. 1952, Chapter 148, by stating that your income was $29,046.33 which said statement was false by reason of the failure to report income in the amount of $48,354.60 for the said taxation year contrary to the provisions of Section 132(1)(a) of the said Act;
> 2. were convicted on the 17th day of October, 1969, under the Income Tax Act, R.S.C. 1952 upon the charge that you, on or about the 30th day of April, 1965, made a false or deceptive statement in your return of income for the taxation year 1964 filed by you as required by the Income Tax Act, R.S.C. 1952, Chapter 148, by stating that your income was $33,740.66 which said statement was false by reason of the failure to report income in the amount of $73,680.48 for the said taxation year contrary to the provisions of Section 132(1)(a) of the said Act;
> 3. were convicted on the 17th day of October, 1969, under the Income Tax Act, R.S.C. 1952 upon the charge that

you, on or about the 2nd day of May, 1966, made a false or deceptive statement in your return of income for the taxation year 1965 filed by you as required by the Income Tax Act, R.S.C. 1952, Chapter 148, by stating that your income was $42,823.45 which said statement was false by reason of the failure to report income in the amount of $91,803.81 for the said taxation year contrary to the provisions of Section 132(1)(a) of the said Act;

4. were convicted on the 17th day of October, 1969, under the Income Tax Act, R.S.C. 1952 upon the charge that you, on or about the 1st day of May, 1967, made a false or deceptive statement in your return of income for the taxation year 1966 filed by you as required by the Income Tax Act, R.S.C. 1952, Chapter 148, by stating that your income was $48,220.30 which said statement was false by reason of the failure to report income in the amount of $113,113.04 for the said taxation year contrary to the provisions of Section 132(1)(a) of the said Act;

5. were convicted on the 17th day of October, 1969, under the Income Tax Act, R.S.C. 1952 upon the charge that you, between the first day of January, 1963, and the 2nd day of May, 1967, did wilfully evade the payment of taxes imposed by the Income Tax Act, R.S.C. 1952, Chapter 148, in relation to income received by you in the amount of $326,951.93 and did thereby commit an offence contrary to Section 132(1)(d) of the said Act."

Your Committee met on the appointed day consisting of Messrs. Levinter (Chairman), McLaughlin and Ford. The Solicitor attended with counsel, Mr. William Smith, Q.C. Mr. Brian Kelsey attended as Counsel for the Society. On the Solicitor's behalf Mr. Smith requested and was granted an adjournment to Friday, 30th January, 1970, at 10:00 a.m. It was not possible for your Committee to meet on this day and the matter was put over to Thursday, 26th March, 1970, at 10:00 a.m. On that day your Committee consisting of Messrs. MacKinnon (Chairman), Lochead and O'Driscoll granted a further adjournment at the Solicitor's request to Friday, 8th May, 1970. This date was made peremptory.

On Friday, 8th May, 1970, your Committe met consisting of Messrs. Gray (Chairman), Thom, O'Driscoll and Bowlby and the matter proceeded. The Solicitor and both Counsel attended as before. Counsel for the Solicitor admitted that the Notice of Complaint was properly served.

Mr. Kelsey for the Society placed in evidence Certificates of Conviction which showed that on the 17th day of October, 1969, the Solicitor was convicted under the Income Tax Act, R.S.C. 1952, of the five charges spelled out in the particulars contained in the Notice of Complaint. Mr. Smith for the Solicitor admitted the convictions and that the Solicitor had pleaded guilty to each of the charges.

The following persons gave character evidence: Mr. E. Marks, Q.C., Solicitor and former Mayor of Oshawa; Mr. J. A. Yanch, Q.C., Solicitor; Mr. G. K. Drynan, Q.C., Solicitor; Mr. Bruce Mackey, Solicitor and present Mayor of Oshawa; Mr. T. H. Greer, Solicitor; Mr. J. W. Froud, Manager of the Oshawa Branch of Canada Permanent Mortgage Corporation; and Mr. Gordon Miles, Manager of the Oshawa Branch of The Toronto-Dominion Bank. All these persons have known the Solicitor personally and have had business dealings with him. All of them attested to the Solicitor's good reputation in the Community and in his practice. All of them are aware of the Solicitor's conviction but they have continued to do business with him as before. Their relationship with him has not deteriorated.

Since your Committee adjourned, a letter dated 3rd May, 1970, and addressed to the Discipline Committee was received from the Honourable Michael Starr, P.C. This letter advised that Mr. Starr had known the Solicitor personally for over forty years. The Solicitor has acted for the estate of Mr. Starr's mother. To Mr. Starr's knowledge the Solicitor's reputation, both in his personal and business dealing has never been in question.

Your Committee, having enquired into the circumstances of the Solicitor's conviction, finds a course of conduct on the part of the Solicitor that was calculated to deceive. The evidence shows that the Solicitor deliberately prepared, signed and filed Income Tax returns containing false information. He did this not just once but on four separate but consecutive occasions. He offers no explanation or excuse for this course of conduct (he did say that at one time he had a poor bookkeeping system but the evidence shows that he kept a very efficient and meticulous record of his income) and admits that the correct figures were available to him at all times.

The Solicitor has been convicted of a criminal offence and for this he has been punished. Your Committee does not consider that it is the function of the Society to review and weigh the severity of the punishment so imposed or seek to supplement it. Your Committee is of the opinion, however, that the Solicitor's conduct in connection with the foregoing affair is more than a matter of concern to only him and the Government but affects his position as a Barrister and Solicitor. Your Committee considers that it is not in the public interest that a person who deliberately and with intent employs deceit for whatever purpose, should continue as a member of the Society. Such conduct is a direct violation of the standards of professional conduct which a Barrister and Solicitor is under an obligation to observe. Your Committee finds the Solicitor guilty of professional misconduct and recommends that he be disbarred and that his name be struck off the rolls of The Law Society of Upper Canada.

Mr. Manning F. Swartz was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 21st day of January, 1932.

The solicitor attended with his counsel, Mr. W. J. Smith, Q.C.

Mr. Brian A. Kelsey attended for the Law Society.

Mr. Smith made submissions and requested that the matter be adjourned to afford time to the Court Reporter to try to find lost notes with respect to the character evidence given on behalf of the solicitor before the Discipline Committee, and that if the notes could not be found, for an opportunity to present the evidence again.

The solicitor and both counsel retired.

Convocation considered the matter and granted the adjournment to the next special convocation, a date for retaking the character evidence to be arranged as soon as possible with the same members of the Committee sitting.

The solicitor and both counsel returned and were advised of Convocation's disposition of the matter.

A written submission by Mr. Smith was returned to him to be re-submitted at the special convocation if he wished to do so.

Messrs. Estey, O'Driscoll and Strauss were not present during the discussion, and did not vote.

RE: HECTOR MANSFIELD HOWELL, Toronto

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF HECTOR MANSFIELD HOWELL OF THE MUNICIPALITY OF METROPOLITAN TORONTO, A BARRISTER AND SOLICITOR

Information having come to the attention of the Society, an investigation was initiated which resulted in the following Notice of Complaint being issued against the solicitor.

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that, on or about the 8th day of September, 1969, by personal communication or interview not warranted by a personal relationship, you did solicit business from one LEROY WILSON, contrary to Ruling 1(5)(3) of the Rules of Professional Conduct."

This Complaint was made returnable on the 1st day of April, 1970, at 10:30 o'clock in the forenoon. Your Committee, composed of Mr. Nathan Strauss, as Chairman, and Messrs. H. E. Harris and Steele, convened at the appointed time. The solicitor attended with his counsel. The Society's counsel was also present.

Your Committee unanimously finds the specific complaint to be established and recommends that the Solicitor be suspended for a period of three months, and that the Solicitor be required to pay the Society's costs prior to his resuming the practice of law.

Hector Mansfield Howell was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 17th day of June, 1937.

The solicitor attended with his counsel, Mr. Ian Scott.

Mr. E. L. Schofield attended for the Society.

Mr. Scott acknowledged that he had received a copy of the Report and made submissions to Convocation. He asked that the penalty be reduced to a reprimand in Convocation, or some lesser penalty. He was advised that the cost of the Society's investigation totalled $1,202.

Mr. Schofield made submissions.

The solicitor and both counsel retired.

Convocation assessed the costs at one-third of the costs of the Society's investigation and deleted the requirement that the costs be paid before the solicitor resume practice.

It was accordingly ordered

1. THAT the Report of the Discipline Committee in the matter of HECTOR MANSFIELD HOWELL, Barrister, a member of this Society and a solicitor of the Supreme Court of Ontario, be adopted as amended.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence of other papers referred to and submitted to Convocation therewith, Convocation finds the said HECTOR MANSFIELD HOWELL guilty of professional misconduct, and of conduct unbecoming a Barrister and Solicitor in respect of the charge dealt with by the said Report.
3. THAT the said HECTOR MANSFIELD HOWELL be suspended from practice as a Barrister and Solicitor for a period of three months from the 18th day of June, 1970.
4. THAT the said HECTOR MANSFIELD HOWELL be required to pay one-third of the cost of the Society's investigation.

Convocation adjourned at 12:45 p.m. for luncheon.

Convocation resumed at 2:15 p.m., the following members being present: The Treasurer, and Messrs. Bowlby, Evans, Fennell, Ford, Gray, Henderson, MacKinnon, O'Brien, Pepper, Raney, Steele and Thom.

RE: PERRY CLIFFORD YOUNG, Toronto

IN THE MATTER OF THE LAW SOCIETY ACT AND IN THE MATTER OF PERRY CLIFFORD YOUNG OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR.

As a result of an inspection made of this Solicitor's books and records, the following Notice of Complaint was issued returnable before your Committee on Tuesday, the 19th day of May, 1970, at 10:00 a.m.:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Contrary to Rule 1 of the Rules Respecting Accounts, failed to deposit forthwith in your trust bank account the sum of $11,700.00 received in trust from your client, Guiseppe Nacarato;
> 2. Contrary to Rule 3 of the Rules Respecting Accounts, have permitted various of your clients' trust accounts to become overdrawn and have drawn money from

your trust account other than money properly required for payment to or on behalf of clients or in respect of liabilities of clients to you;

3. Contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain or cause to be maintained at all times, and particularly in the month of November, 1969, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds.
4. Contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed to maintain proper books, records and accounts as required by those Rules;
6. Filed or caused to be filed with the Law Society, for the periods ending November 30th, 1968, and October 31st, 1969, Schedule "A" Reports as required by Rule 9 of the Rules Respecting Accounts, which you knew or should have known were inaccurate."

Your Committee consisting of Messrs. Williston (Chairman), Lochead and McCulloch met on the appointed day and the matter proceeded. The Solicitor attended with Counsel, Mr. W. G. Dingwall, Q.C., who admitted service of the Notice of Complaint. Mr. Ian Scott appeared for the Society.

Mr. Bruce Johnston, the Society's Accountant, was sworn and told your Committee that he had inspected the Solicitor's books. A copy of Mr. Johnston's Report dated 4th March, 1970, was made an Exhibit. Counsel for the Solicitor admitted the facts set out in this report but not the conclusions.

The Report also showed that the Solicitor's books were not kept up to date. In addition he did not keep monthly reconciliation statements as required by Rule 8(e) of the Rules Respecting Accounts or a list of clients' valuables as required by Rule 8(f).

None of the above breaches of the Rules was disclosed in the Solicitor's Schedule "A" Returns filed with the Society for this period. (Both these Returns — 1968 and 1969 — were made Exhibits.) The 1968 Return listed several clients' accounts which were in debit balance but the Accountant certifying this Return noted in it that he was advised by the Solicitor ". . . that the debit balances . . . have been covered by bank deposits . . .". The 1969 Return also referred to debit accounts existing but confirmed that these debits were corrected and that they were due primarily to bookkeeping errors.

The Solicitor stated that he did not know how his accounts first became overdrawn. He relied on his accountant to maintain the books but they weren't kept up and became very confused. In some instances the Solicitor really thought he had a client's funds on hand when he made what turned out to be an improper disbursement.

The Solicitor stated that he has benefitted in no way from the trust shortage.

On the evidence before it your Committee finds the Solicitor guilty of professional misconduct. Your Committee finds the particulars contained in paragraphs 1, 2, 3, 4 and 6 established. Indeed the Solicitor's Counsel admitted these paragraphs.

Your Committee was impressed with the frankness of the Solicitor's evidence and also notes that there is no evidence to show that the Solicitor benefitted in any way from the trust shortage.

Your Committee recommends that the Solicitor be suspended for a period of eighteen months and that he be required to pay the costs of the Society's investigation of his affairs. Your Committee also recommends that at the end of his suspension, the Solicitor be required to file audited statements on his practice with the Society every three months for a period of five years.

Mr. Perry Clifford Young was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 13th day of April, 1962.

W. B. WILLISTON,
Chairman

The solicitor attended with his counsel, Mr. W. G. Dingwall, Q.C. Mr. Ian Scott attended for the Society.

Mr. Dingwall acknowledged that the solicitor had received a copy of the Committee's report and made submissions to Convocation. He asked that the penalty be changed to a reprimand in Convocation instead of suspension.

The solicitor and both counsel retired.

The Report was adopted.

Moved by Mr. Ford that the penalty be amended to disbarment. The motion was not seconded.

It was according ordered:

1. THAT the Report of the Discipline Committee in the matter of PERRY CLIFFORD YOUNG, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said PERRY CLIFFORD YOUNG guilty of professional misconduct and of conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said PERRY CLIFFORD YOUNG be suspended from practice as a Barrister and Solicitor for the period of eighteen months from the 18th day of June, 1970, and required to pay the costs of the Society's investigation.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 18th day of September, 1970.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF CONVOCATION

Friday, 19th June, 1970
10 a.m.

PRESENT:

The Treasurer (Mr. G. Arthur Martin, Q.C.), and Messrs. Beament, Bowlby, Callon, Cass, Cassels, Dubin, Estey, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Levinter, Lochead, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pepper, Raney, Robins, Sheard, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of May 15th and June 9th, 1970, were read and confirmed.

The Treasurer said that the legal profession was saddened by the death of The Honourable J. Keiller Mackay on Saturday, June 13th, 1970. He was a great Canadian and a great gentleman who had rendered distinguished service to his country as a soldier, as a Judge of the High Court of Justice for Ontario, the Court of Appeal for Ontario, and as Lieutenant-Governor of Ontario.

The Treasurer said that flowers had been sent by the Law Society. The Treasurer had acted as an Honorary Pallbearer at the funeral and he had written to Mrs. Mackay extending to her the deepest sympathy of the Benchers and himself.

APPOINTMENT OF STANDING COMMITTEES

At the request of the Treasurer, Mr. Robins presented the Report of the meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees:

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted, was held on Monday, the 15th June, 1970, the Treasurer and Messrs. Bowlby, Cass, Ford, Gray, Henderson, MacKinnon, Robins and Strauss being present, and they recommend that the constitution of the Standing Committee for the ensuing year be as follows:

1. FINANCE: Messrs. Beament, Callon, Fennell, Goodman, Gray, Harris, W. E., Henderson, Levinter, McLaughlin, Pattillo, Pepper, Robins, Sheard, Steele, Thom, Weir, Wilson, R. F.

2. LEGAL EDUCATION: Messrs. Callon, Cass, Dubin, Estey, Goodman, Gray, Henderson, Jamieson, Maloney, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Weir, Williston, Wilson, R. F.

3. ADMISSIONS: Messrs. Beament, Callon, Cass, Dubin, Estey, Lochead, MacKinnon, Pattillo, Robins, Sheard, Slemin, Thom, Williston, Wilson, R. F.

4. DISCIPLINE: Messrs. Beament, Bowlby, Cass, Chappell, Common, Dubin, Estey, Evans, Ford, Goodman, Gray, Harris, H. E., Harris, W. E., Henderson, Levinter, Lochead, Maloney, McCulloch, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Robins, Seymour, Slemin, Steele, Strauss, Thom, Williston, Wilson, P. D.

5. PROFESSIONAL CONDUCT: Messrs. Bowlby, Callon, Dubin, Estey, Evans, Fennell, Ford, Goodman, Gray, Maloney, MacKinnon, O'Driscoll, Pepper, Raney, Robinette, Sedgwick, Slemin, Strauss.

6. LIBRARIES AND REPORTING: Messrs. Cassels, Clement, Ford, Harris, H. E., Lochead, Maloney, O'Driscoll, Steele, Strauss, Weir.

7. UAUTHORIZED PRACTICE: Messrs. Bowlby, Callon, Cass, Chappell, Dubin, Fennell, Henderson, Lochead, Steele, Strauss, Williston.

8. PUBLIC RELATIONS: Messrs. Bowlby, Chappell, Harris, H. E., Harris, W. E., Henderson, Jamieson, Lochead, Pattillo, Pepper, O'Driscoll, Roberts.

9. LEGAL AID: Messrs. Beament, Bowlby, Callon, Cass, Common, Dubin, Estey, Ford, Gray, Levinter, Lochead, Maloney, O'Driscoll, Pepper, Robins.

10. LEGISLATION AND RULES: Messrs. Beament, Chappell, Estey, Goodman, Harris, W. E., Henderson, O'Brien, Pattillo, Roberts, Robins, Sheard, Williston, Wilson, R. F.

At the request of the Treasurer the meeting also considered the composition of the various Special Committees, and recommends as follows:

Building Committee

That Mr. G. A. Martin replace Mr. W. G. C. Howland as Chairman.

Special Committee on The Law Society Gazette

That Mr. Maloney replace Mr. G. A. Martin.

Special Committee on Interest on Trust Accounts

That Mr. B. J. MacKinnon replace the Honourable Mr. Justice Arnup as Chairman.

Ontario Interprofessional Liaison Committee

That Mr. G. A. Martin replace Mr. W. G. C. Howland.

Legal Aid Programme Committee

That Messrs. P. B. C. Pepper, W. R. Poole and G. P. Killeen be added and Messrs. Fairbairn and Caldbick be re-appointed.

Special Committee on Osgoode Hall Fence

That Messrs. Fennell and Levinter be added to this Committee.

Special Committee Respecting Interviewing Prisoners in Penal Institutions

That Mr. Arthur Maloney replace Mr. G. A. Martin as Chairman, and that Mr. O'Driscoll be added.

Special Committee on Rule Respecting Withdrawal from a Criminal Case

That a new Special Committee be appointed to be composed of Mr. Arthur Maloney (Chairman), Bowlby, Martin and Sedgwick.

Special Committee on Remembrance Day Service

That Mr. W. G. Gray replace the Honourable Mr. Justice Wright.

All of which is respectfully submitted. Dated — 15th June, 1970.

"G. ARTHUR MARTIN"
Chairman

Moved by Mr. Beament, seconded by Mr. Levinter, that Messrs. Estey, Gray, Maloney and Robins also be added to the Legal Aid Programme Committee. *Carried*

THE REPORT WAS ADOPTED AS AMENDED.

Convocation then adjourned to allow the Standing Committee to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairmen and Vice-Chairmen were adopted:

FINANCE: Chairman, Terence Sheard; Vice-Chairman, G. E. Beament.

LEGAL EDUCATION: Chairman, S. L. Robins; Vice-Chairman, W. G. Gray.

ADMISSIONS: Chairman, Stuart Thom; Vice-Chairman, R. W. Cass.

DISCIPLINE: Chairman, F. J. L. Evans; Vice-Chairman, B. J. MacKinnon.

PROFESSIONAL CONDUCT: Chairman, S. E. Fennell; Vice-Chairman, P. B. C. Pepper.

LIBRARIES AND REPORTING: Chairman, R. D. Steele; Vice-G. W. Ford.

UNAUTHORIZED PRACTICE: Chairman, Nathan Strauss; Vice-Chairman, G. H. Lochead.

PUBLIC RELATIONS: Chairman, G. F. Henderson; Vice-Chairman, J. G. J. O'Driscoll.

LEGAL AID: Chairman, T. P. Callon; Vice-Chairman, J. D. Bowlby.

LEGISLATION AND RULES: Chairman, R. F. Wilson; Vice-Chairman, E. A. Goodman.

APPOINTMENT TO THE SENATE OF YORK UNIVERSITY

Mr. Stuart Thom, Q.C., was nominated to succeed Mr. S. L. Robins, Q.C., on the Senate of York University for the three-year term commencing July 1st, 1970.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursdays, the 11th day of June, 1970, at 3 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Callon, Estey, MacKinnon, Sheard and Thom.

BAR ADMISSION COURSE FACULTY

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Real Estate and Landlord and Tenant

J. G. N. Johnston, Esq., to be appointed an Instructor in place of R. W. W. Fraser, Esq., resigned.

D. J. McRae, Esq., to be appointed an Instructor in place of D. M. O'Rorke, Esq., resigned.

R. W. Gardner, Esq., to be promoted to Instructor.

W. L. McAuley, Esq., to be promoted to Instructor.

T. P. O'Connor, Esq., to be appointed a Stand-by Instructor in place of R. W. Gardner, Esq., promoted to Instructor.

Creditors' Rights and Bankruptcy

H. Nathan, Esq., to be promoted to Instructor in place of M. Solway, Esq., resigned.

D. A. W. Wetmore, Esq., to be promoted to Instructor in place of B. C. Stark, Esq., resigned.

L. D. Cadsby, Esq., to be appointed an Instructor in place of J. Berman, Esq., resigned.

Corporate and Commercial Law

P. A. Carroll, Esq., to be appointed an Instructor.

J. R. Finley, Esq., to be promoted to Instructor.

S. J. Godfrey, Esq., to be promoted to Instructor.

L. D. Hebb, Esq., to be appointed an Instructor.

J. C. McCartney, Esq., to be promoted to Instructor.

R. J. Murphy, Esq., to be promoted to Instructor.

J. E. Sheppard, Esq., to be promoted to Instructor.

A. L. Cader, Esq., to be appointed a Stand-by Instructor in place of J. R. Finley, Esq., promoted to Instructor.

D. G. Gordon, Esq., to be appointed a Stand-by Instructor in place of S. J. Godfrey, Esq., promoted to Instructor. *Approved*

A memorandum from the Director of the Bar Admission Course is before the Committee recommending —

1. Re Administration: That Mrs. Knox's title be changed from Registrar to Assistant to the Director and Registrar. *Approved*

2. Re Prize for Advocacy: The International Academy of Trial Lawyers has offered a prize for advocacy to be awarded to one of our students. Subject to the approval of this Committee, the Director has accepted the prize to be offered to the student who attains the highest combined mark in Civil Procedure I and II. *Approved*

PETITIONS

Miss Grace Rachel Maitland-Carter submitted a Petition that the Benchers of the Law Society of Upper Canada waive the remaining three months of the articling period and grant her admission to the teaching period of the Bar Admission Course commencing September, 1970.

Your Committee recommends that in the particular circumstances she be allowed to enter the teaching period in September, 1970.

Joel Anthony Kerbel obtained an LL.B. degree from the University of Toronto. He entered the Tenth Bar Admission Course, September, 1967, and failed to attain pass standing. He was given permission to repeat the teaching period and failed again. He appeared before the Committee with Counsel on the 9th of April, 1970, at which time he asked for a transcript of his marks in all subjects, to inspect the papers in which he failed and the names of those who marked the examinations in which he failed. The Committee recommended that he be given a transcript of the marks he obtained in each subject, that he, Mr. Kerbel in person, be allowed to inspect the papers in which he failed and that he be not given the names of those who marked his papers. He now submits the following petitions:

> "The petitioner respectfully requests that the Benchers of the Law Society of Upper Canada reconsider his standing in The Bar Admission Course 1969-70 and respectfully requests the following relief:

(1) That he be granted an "allowed" standing in Corporation Law and for Criminal Procedure and accordingly be admitted to the Bar of the Province of Ontario.

(2) Alternatively, that he be permitted to write supplemental examinations in Corporation Law and Criminal Procedure.

The petitioner will rely upon his undergraduate and law school records, the fact that he passed Corporation Law and Criminal Procedure in 1968-69, his academic average in 1969-70, the practice in many law school to permit the writing of supplemental examinations, written opinions of his ability provided by a number of people, and such further grounds as his counsel may advise."

Mr. Kerbel attended with his Counsel, Professor Stephen Borins, who made submissions on Mr. Kerbel's behalf.

The Committee gave careful consideration to the Petition and submissions that had been made, but recommends that the Petition be refused.

RETIRING DIRECTOR — BAR ADMISSION COURSE

The Committee records its appreciation of the work of the retiring Director of the Bar Admission Course.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 11th day of June, 1970, at 2:30 p.m., the following members being present: Mr. Stuart Thom, Chairman, and Messrs. Callon, MacKinnon, Robins and Sheard.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidates having successfully completed the Eleventh Bar Admission Course, filed the necessary documents and paid the required fee of $210 now applies for Call to the Bar and to be granted a Certificate of Fitness:

John David Lloyd *Approved*

Transfers from Another Province

The following candidates, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411, now apply for Call to the Bar and to be granted Certificates of Fitness:

John Francis MacIsaac, Nova Scotia.
George Alexander Rogers, Nova Scotia and Alberta.
Calvin George Scarfe, Manitoba. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1st, 1970:

Under Bar Admission Course Regulations—Part II, No. 3

4. Beatty, David Munro — B.A. Toronto 1965; LL.B. Osgoode 1968; LL.M. University of California, 1969.

5. Hugill, David Ceri — B.A. McGill 1967; LL.B. Dalhousie 1970.

6. Maitland-Carter, Grace Rachel — B.A. British Columbia 1963; LL.B. British Columbia 1965. *Approved*

Under Transfer Regulation No. 8

7. Forbes, Mark Langdon — United Kingdom (Jamaica). *Approved*

DIRECT TRANSFER

Bernard Lawrence Kay (LL.B. University of Manitoba, May, 1958) was called to the Bar of the Province of Saskatchewan and admitted as a solicitor of the Supreme Court of Saskatchewan in July, 1960. He also became a member of the Bar of Alberta in April, 1964, and remains a member in good standing of both Bars. Mr. Kay practised continuously from November, 1964, to August, 1969, in Calgary, Alberta, at which time he undertook and completed an LL.M. degree at New York University. He seeks to proceed under Regulation 2. *Approved*

Thomas William Sommerville (B.Comm. Dalhousie University; LL.B. Dalhousie; LL.M. Yale) was admitted to the Bar of Nova Scotia September, 1964, and joined the Department of

Justice in Ottawa as a Junior Advisory Counsel where he remained until June, 1966. He joined the staff of Dalhousie Law School as an Assistant Professor in July, 1966. In addition Professor Sommerville is Dean of Men at Dalhousie and has kept his membership in the Nova Scotia Bar. He seeks to proceed under Regulation 2.

Your Committee recommends he be called to the Bar and admitted as a solicitor upon completion of the teaching period of the Bar Admission Course.

DIRECT TRANSFER FROM QUEBEC

Pierre Chamberland (LL.L. University of Ottawa 1964) was called to the Bar of the Province of Quebec in June, 1966. He states he has been with the Department of Justice in Ottawa for the past three years and asks to proceed under Regulations 5 and 4 through the Bar Admission Course, subject to his application and proof of qualifications being received by the Society. *Approved*

UNITED KINGDOM SOLICITORS

Anthony Ralph Collins presents a current practising certificate from the Law Society in England and seeks to proceed under Regulation 8. *Approved*

Michael H. Gleeson presents a current practising certificate as a solicitor from the Registrar of Solicitors, Ireland, and seeks to proceed under Regulation 8. *Approved*

Michael Alastair Lambert presents a current practising certificate from the Law Society of Scotland and seeks to proceed under Regulation 8. *Approved*

Francis David Pickering presents a current practising Certificate from The Law Society in England and asks to proceed under Regulation 8. *Approved*

TRANSFER FROM OTHER PROVINCE

Raymond Douglas Archibald (B.A. University of Saskatchewan 1940; LL.B. Saskatchewan 1942) was admitted as a barrister and solicitor of the Law Society of Saskatchewan December, 1945, and remains in good standing there. From 1945 until 1951 Mr. Archibald was Assistant to the Secretary of Dominion Textiles Limited in Montreal, Que., doing general corporate secretarial, legal and administrative work. He was then appointed Secretary of Dominion Textile Limited which appointment he held until 1960, In September, 1960, Mr. Archibald was appointed Vice-President and General Manager, Caldwell Linen Mills Limited holding this appointment until October, 1969. He seeks to proceed under Regulation 7 to enter the Bar Admission Course, and presents a certificate from Roger Carter, Dean, College of Law, University of Saskatchewan, stating that he has attended the College of Law as a full-time special student, with advanced standing, from January 6th to June 7th, 1970, and successfully written the prescribed examinations. Dean Carter states that Mr. Archibald has satisfied all the requirements of graduating from an approved law course in an approved University in accordance with the requirements of the Law Society of Upper Canada.

Mr. Archibald asks permission to begin his service under articles now and serve until September, 1970, then enter the teaching period of the Bar Admission Course and, if required, complete the necessary articles after the completion of the teaching period.

Your Committee recommends he be allowed to proceed and required to complete the articling period and then the teaching period.

COMMONWEALTH TRANSFERS

Babulal Agrawal (LL.B. Vikram University, Ujjain, India 1961) became a pleader in 1961 and was admitted to the Roll of Advocates of the State Bar Council, Madhya Pradesh in December, 1963. He presents a Certificate from the Indore Bar Association stating he has been practising in Indore, M.P. since 1961 to the present, as well as a Certificate of good character. He seeks to proceed under Regulation 10(b).

Approved

Syed Mustafa Hasan (LL.B. The Aligarh Muslim University, India 1944) became a pleader in 1944 and an Advocate in 1952 of the former Hyderabad High Court. His name is included in the Roll of Advocates of the Bar Council of the State of Andhra Pradesh. Except for a period between 1955 and 1960 when he served as a District Judge at Sudan in the Middle East, Mr. Hasan has practised continuously in India to the present. He presents a current Certificate from the Bar Council of the State of Andhra Pradesh, Hyderabad and seeks to proceed under Regulation 10(b). *Approved*

G. Narayanan (B.A. University of Madras India, 1954; LL.B. Madras 1956) was enrolled as an Advocate of the Madras High Court in 1957, and has practised continuously in

India to the present. He presents a Certificate of Good Standing and Proof of Practice. He seeks to proceed under Regulation 10(b). *Approved*

REGULATION 10(b) — EXAMINATIONS

The examinations required under Regulation 10(b) comprise two papers which the applicant writes on separate occasions. The practice has been to send the second paper to the applicant as soon as the first set of answers has been returned. In two instances applicants have failed the first paper. The Committee is asked whether an applicant who has failed the first paper should be allowed to write the second paper or whether he should be informed he has failed the prescribed examination.

Your Committee recommends that applicants who have failed the first paper also be allowed to write the second paper.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th day of June, 1970, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), Fennell, Levinter, Pepper and Steele.

ACCOUNTS

The Secretary reports that from the 1st May to the 31st May, 1970, accounts, including Library Accounts properly approved, to the amount of $74,086.06 have been paid.

Approved

FINANCIAL STATEMENT, 1st July 1969 to 31st May 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July, 1969, to the 31st May, 1970. *Approved*

ROLLS AND RECORDS

The Secretary reports:

(1) *Appointment to the Bench*

That the following former member of the Law Society has been honoured by his appointment to judicial office, and his name has been removed from the rolls and records of the Society:

Donald G. E. Thompson, Q.C., London. Called — 19th September, 1940; Appointed C.C. Judge, Grey County, May 8, 1970.

(2) That the following former members of the Law Society have died:

Claude C. Savage, Q.C., London	Called—16 September 1926; Deceased—23 April 1970.
Michael Greenberg, Ottawa	Called—16 May 1935; Deceased—27 April 1970.
Patrick David McConnell, Q.C., Seaforth	Called—21 October 1937; Deceased—1 May 1970.
Richard C. Berkinshaw, Q.C., Toronto (Hon. Life Mem.)	Called—11 September 1919; Deceased—4 May 1970.
Alfred C. Crysler, Q.C., Toronto	Called—18 November 1926; Deceased—5 May 1970.
Thomas D. Slater, Q.C., Kingston	Called—19 June 1924; Deceased—9 May 1970.
Miss Roxie I. Marshall, Hamilton	Called—19 June 1952; Deceased—3 June 1970.
Hector A. Stewart, Q.C., Galt	Called—19 September 1929; Deceased—8 June 1970.

Noted

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1969. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date. *Approved*

Re: 145 Queen St. West — Library Staff

Subject to the approval of the Libraries and Reporting Committee, the Finance Committee is asked to approve employing two library assistants to look after the temporary library at 145 Queen St. West. These persons would be in addition to the existing staff in the Great Library.

Your Committee recommends that one library assistant only be employed at this time. Although it will be necessary to have two assistants in attendance at the branch library, your Committee feels that use can be made of an assistant already on the staff.

Subject to the approval of the Libraries and Reporting Committee, the Finance Committee is also asked to approve employing Miss Francis Villeneuve as an assistant librarian at 145 Queen St. West.

Your Committee recommends the employment of Miss Villeneuve at a salary to be determined by the sub-Committee on Salaries.

INVESTMENTS — *J. Shirley Denison Bequest*

$17,000 Canada Permanent Mortgage Corporation 7% bonds matured May 1, 1970. These funds have been reinvested in $17,000 Ontario Hydro 9% bonds due 1st April, 1994. *Approved*

BUILDING COMMITTEE — *Alterations to Law Society premises*

A letter dated 8th May, 1970, from Mr. Arthur Heeney, the Society's architect, with respect to the installation of further ventilating equipment in the old classrooms (Item 1), the pump room in the basement of the Law School Building (Item 2) and the office used by the Comptroller and his staff (Item 3) is before the Committee for consideration.

Your Committee recommends approval of Items 1 and 2, and further recommends that Item 3 be put over for consideration next year.

A further letter dated 13th May, 1970, from Mr. Heeney is before the Committee giving a firm cost of $290 for carving the words "The Law Society of Upper Canada" on the marble trim above the door of the main entrance to the Society's rooms. *Approved*

A letter dated 10th June, 1970, from Mr. Heeney is before the Committee recommending the acceptance of the tender made by H. J. Linington Company Limited of $8,705 for the interior painting referred to in Mr. Heeney's Maintenance Report of the 18th March, items 1, 4 and 6, which was approved by this Committee on the 9th April, 1970; and the tender made by O. Brankston & Sons Limited for the exterior painting at a cost of $5,101.

The preparation of the exterior areas to be painted is being carried out by Mr. R. Mayer at an estimated cost of $1,000. *Approved*

METROPOLITAN TORONTO POLICE ASSOCIATION

A letter from Mr. Syd Brown, President, Metropolitan Toronto Police Association, asking the Law Society to sponsor one of the functions being held in conjunction with the Annual Conference of the Police Association of Ontario in August, 1971, is before the Committee for consideration.

Your Committee recommends that the Police Association be advised that the Law Society has no funds available for this purpose.

BAR ADMISSION COURSE — *Equipment*

Mr. J. C. MacDonald, Director, asks authorization to purchase Stenorette Dictating and Transcribing units at a cost of $441.80 plus $65.18 tax. This expenditure was not covered in the budget. A memorandum from Mr. Roberts is before the Committee. *Approved*

BARRISTERS DINING ROOM

Mrs. Margaret Bested submits a statement of receipts and disbursements for the Barristers Dining Room and the Cafeteria, for the year ended December 31, 1969, showing a net profit for the four-month period of $2,126.52. *Received*

A letter from Mrs. Bested asking permission to close the dining room during July and August, is before the Committee. *Approved*

Moved by Mr. O'Driscoll, seconded by Mr. Gray, that Mr. Callon be added to the Finance Committee. *Carried*

DISCIPLINE COMMITTEE—Mr. Evans

The Secretary presented the following Order which is entered on the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER of FREDERICK JAMES BANNON,
a Barrister-at-Law and one of the Solicitors of the
Supreme Court of Ontario and IN THE MATTER of the
LAW SOCIETY ACT.

WHEREAS it has been certified by the Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 15th day of May, 1970, disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE this Court doth order that the said FREDERICK JAMES BANNON be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 15th day of May, 1970.

"M. R. ELLIOTT",
Assistant Registrar,
Supreme Court of Ontario.

Entered at Toronto
Recorded
on Film No. 206
as Document No. 616
on May 15 1970 V.G.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 11th day of June, 1970, at 9:15 o'clock in the morning, the following members being present: Mrs. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Estey, Gray, MacKinnon and Strauss.

1. RULING 18 — TOUTING, ADVERTISING AND ATTRACTING BUSINESS UNFAIRLY

Your Committee's attention was drawn to an insertion in a recent issue of the *Ontario Reports* wherein an unnamed barrister and solicitor stated that he was ". . . qualified both in England and Ontario, leaving for Europe in August for extended trip. Willing to act as representative or agent on your behalf on any legal matter. Reply to . . .". Your Committee has instructed the Secretary to obtain the name of the solicitor and to write to him advising that the insertion had been considered by the Committee and it was the opinion that such an advertisement constituted soliciting as it is an advertisement to obtain business.

2. MISCELLANEOUS

(a) Consideration has been given to requests by office managers and clerks in law firms for guidance as to the form of business cards they might use. Your Committee is of the opinion that cards used by members of the profession and by employees of members of the profession should clearly indicate that the members are barristers and solicitors and clearly indicate the position held by the employees so that the cards will truthfully represent their respective status and misrepresentation will be thereby avoided.

(b) Your Committee considered a request for guidance from a lawyer whose wife, a mortgage broker, wishes to take over a portion of her husband's office to conduct her business. The Secretary was instructed to advise that the governing principle on questions of this nature has been that there should be no sharing of space between a lawyer and a member of the public who might be engaged in such activities as a mortgage broker.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 11th of June, 1970, the following members being present: Messrs. Steele (Chairman), Ford, Cassels, Maloney and Strauss, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st May, 1970, are as follows:

	Books	*Sundries*	*Salaries*
Estimates	$27,000.00	$4,000.00	$99,260.00
Expenditures	23,466.69	3,563.59	85,574.64

Special Account

Estimates	$25,000.00
Expenditures	1,366.75

Bar Admission Course Library

	Books	*Salaries*
Estimates	$10,000.00	$10,500.00
Expenditures	11,321.24	4,148.60

Approved

GIFTS AND DONATIONS

Mr. Hamilton Cassels, Q.C., has made a gift to the library of the following book:

The Baldwins and the Great Experiment by R. M. and J. Baldwin. *Noted*

BRANCH LIBRARY AT 145 QUEEN STREET WEST — STAFF

Your Committee considers that in addition to the staff already employed in the Great Library, it will be necessary to retain two additional Library Assistants to look after the above Branch Library. Subject to the approval of the Finance Committee, your Committee recommends that two additional Library Assistants be retained for this Branch Library.

Your Committee considered an application for one of these positions from Miss Francine Villeneuve commencing 1st July, 1970, and subject to the approval of the Finance Committee, recommends the employment of Miss Villeneuve.

BOOK LIST

A list of books recently purchased was approved by your Committee.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their annual returns for the year 1969. The amount of the grant which they should receive under the Rules in 1970 and that which they received in 1969 are as follows:

	1969	*1970*
Essex	$1,850.00	$2,000.00
Lambton	1,325.00	1,705.00
Leeds and Grenville	900.00	1,145.00
Lennox and Addington	600.00	750.00
Lindsay	733.34	1,008.34
Muskoka	600.00	750.00
Nipissing	716.67	867.67
Peterborough	1,300.00	1,800.00
Renfrew	708.33	910.00
Sudbury	1,850.00	2,000.00
Temiskaming	600.00	750.00

All of the County and District Law Associations have now submitted their annual returns for 1969. *Approved*

REPORTING

MICROFILMING OF ONTARIO REPORTS

Your Committee considered a proposal from the Micro-Data Division of Bell & Howell to make a survey of the profession to determine how receptive the profession may be to using law reports on microfilm. It is proposed that this survey would be made by Bell & Howell at its own expense.

Your Committee recommends that no objection be taken to this survey providing that the Law Society is involved in no way with this survey and that no costs are incurred by the Law Society.

CONTRACT FOR PUBLICATION OF ONTARIO REPORTS

The Sub-Committee looking into this matter has now met on two occasions and your Committee hopes to have a recommendation available for this Convocation.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th of June, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Fennell, Henderson and Steele.

Your Committee had before it two opinions received from Counsel in respect of two Notaries Public acting on real estate transactions. In both instances, Counsel recommended against prosecution and your Committee adopted this recommendation.

THE REPORT WAS RECEIVED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Friday, the 12th day of June, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Bowlby, Levinter and Lochead.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of April, 1970.

This report for the month of April, 1970, being the first month of the new fiscal year shows that the Fund has expended $177,000 more than had been anticipated. This excess expenditure is attributable to an increased number of solicitors' legal aid accounts paid during the month in both criminal and civil matters.

CONTROLLER'S REPORT

a) The Controller submitted a Summary of Applications for the month ended April 30th, 1970.

The report for the month of April, 1970, when compared to the figures for April, 1969, indicates a considerably increased volume of legal aid activity. In April, 1970, informal applications and formal applications received amounted to 2,641 and 4,766 respectively compared to 1,979 and 3,971 for the same month of 1969. Similarly the total certificates issued in 1970 amounted to 4,044 compared with 3,081 in April, 1969.

b) The Controller submitted recommendations as to the writing-off of client recoveries pursuant to Section 98(2) of the Regulation.

Your Committee moved that the write-offs as recommended by the Controller be approved, with the exception of five clients on whom the Committee requested further financial information.

c) The following leases which had been approved by John D. Honsberger, Q.C., on behalf of the Law Society, were approved by your Committee:

i) *Middlesex County Legal Aid office* — 400-402 Ridout St., London, Ontario — three years — May 1st, 1970 to May 1st, 1973 — $240 per month.

ii) *Hastings & Prince Edward Legal Aid office* — 157 Front St., Belleville, Ontario — two years — July 1st, 1970, to July 1st, 1972 — $100 per month.

d) The Controller submitted statements for the month of April and May, 1970, with respect to professional fees paid solicitors and investigators for special services rendered the Ontario Legal Aid Plan.

Your Committee approved the disbursements.

LEGAL ACCOUNTS OFFICER'S REPORT

a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of May, 1970.

b) The Legal Accounts Officer submitted a report for the month of May, 1970, with respect to reviews and appeals.

RECEIPTS FOR SOLICITORS' DISBURSEMENTS

At the last Area Directors' meeting on May 21st, 1970, a question was directed to the Legal Accounts Officer with respect to requests for vouchers re disbursements incurred in connection with legal aid certificates.

The Legal Accounts Department has requested vouchers for disbursements as a matter of office policy under the belief that the Provincial Auditor required actual proof of the disbursement. Consequently a considerable amount of unnecessary correspondence dealing with requests for vouchers has ensued. Apart from the unnecessary workload, the Department has come under severe criticism from solicitors rendering accounts in that the Department does not accept the fact that the disbursements rendered pursuant to a legal aid certificate were actually and reasonably incurred and were, in any event, contained in an account which bore their certification.

Apart from disbursements which require special authorization and those which can be eliminated as being unreasonable, it would appear that disbursements contained in an account certified by a solicitor should be allowed without further documentation.

As far as the Legal Accounts Department was concerned, the acceptance of disbursements actually and reasonably incurred and contained in an account which bears the solicitor's certification would be most satisfactory for the examination and processing of the accounts.

The Committee approved the adoption of this policy.

CORRESPONDENCE

a) The Committee reviewed correspondence from W. R. Donkin, Associate Area Director, York County, with respect to the ordering of transcripts in an appeal to the county court on a summary conviction or when the appeal is to any court on a civil case before the Area Committee has had an opportunity to determine whether the appeal should, in fact, be financed by Legal Aid.

Your Committee appointed a sub-committee consisting of Messrs. Bowlby and Lochead to consult with the Chief Justice on the contents of Mr. Donkin's letter.

b) Your Committee reviewed correspondence from a solicitor asking the Committee if Duty Counsel can speak to bail or remand at the request of a solicitor who is acting for a legal aid client which would obviate the necessity of the solicitor having to attend at court.

The Director was instructed to advise the solicitor that there is no objection to this procedure.

PART VII OF THE REGULATION — PAYMENT OF COSTS

Your Committee considered the following applications for payment of costs under Part VII of the Regulation:

a) Harold R. Berry, Solicitor, applied for payment of costs under Part VII of the Regulation on behalf of his legally-aided client, Peter Dennis Bond, the petitioner in a divorce action. The defendant wife was successful at trial in obtaining custody of the children and was allowed costs. The costs were taxed at $2,393.05.

David Walfish, Q.C., was retained privately by Mrs. Marguerite Bond.

It should be noted that in the *decree nisi* the following Order was made:

> "AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that the Petitioner doth forthwith serve a copy of this Decree Nisi on the Official Guardian and that the Official Guardian do forthwith refer the matter of supervision of the aforesaid infant children to the proper Children's Aid Society of the City of Toronto for a period of supervision for two years."

The Director obtained information with respect to the financial status of the Petitioner and the respondent.

The application was refused.

b) W. Graham Dutton, Solicitor, applied for payment of costs in the amount of $186.30 under Part VII of the Regulation on behalf of his client, Frank Fendrick, the non-legally-aided defendant in an action.

This was an action which was commenced in 1966 and on January 2nd, 1970, was dismissed for lack of prosecution.

John Wurtz, the legally-aided plaintiff, has now disappeared and the solicitor who acted for him has died.

The Director obtained the information from the Solicitor, with respect to the financial status of the defendant.

The application was refused.

c) Mrs. Maureen Baker, Ottawa, the legally-aided plaintiff, applies for payment of costs under Part VII of the Regulation in the amount of $440.25 which were awarded against her in an action against Steinberg's Limited.

Mrs. Baker was granted a legal aid certificate to bring a civil action against Steinberg's Limited and Elmvale Shopping Centre Ltd. The action arose out of an accident which occurred on August 19th, 1967, at the premises owned by Elmvale

Shopping Centre Limited and occupied by Steinberg's Limited when a parking stanchion on the premises toppled over her son causing him injuries.

Mrs. Baker was represented by Messrs. Gowling, MacTavish, Solicitors, Ottawa.

F. Joseph McDonald, Solicitor, represented the defendants, Steinberg's Limited and Elmvale Shopping Centre.

Mrs. Baker supplied information with respect to her financial status.

The application was refused.

SECTION 17(3) OF THE LEGAL AID ACT AND SECTION 129 OF THE REGULATION

Mrs. A. C. R. Rosenthal, Assistant Provincial Director, submitted the following to the Committee for its decision:

A certificate for legal aid was issued to Mrs. Helen Cachia on the 2nd May, 1968, "to commence and conduct proceedings against applicant's husband in the Supreme Court of Ontario under the Married Woman's Property Act by originating Notice of Motion claiming: (i) a declaration that her husband has no beneficial interest in the premises, (ii) an order directing her husband to surrender possession of the premises to her (from and after March 22nd, 1968)."

Mrs. Cachia took the certificate to Alick Ryder, Solicitor, who instituted an action on her behalf and in October of 1969 obtained an Order declaring that her husband had no beneficial interest in the premises.

Mr. Ryder feels that since the certificate was issued before Section 17(3) was added to the Act in August, 1969, Mrs. Cachia is not subject to the provisions of that section nor he to the provisions of Section 129 of the Regulation (also added in August, 1969).

The Legal Accounts Officer advised Mr. Ryder that his account will not be paid until he has complied with Section 129.

The Committee was in agreement with the position taken by the Legal Accounts Department that the solicitor is subject to the provisions of the Legal Aid Act and Regulation. Section 17(3) of the Legal Aid Act and Section 129 of the Regulation read as follows:

Section 17(3), The Legal Aid Act, 1966

> "(3) Where a person who has been given legal aid in any matter recovers property other than money, the Law

Society has a charge against the property so recovered for the costs payable under this Act and the regulations and may enforce such charge."

Section 129, Ontario Regulation 257/69

"129. Where the client is entitled to recover any money or other property under a judgment, order or settlement, unless the client has paid to the Fund the costs for the services rendered in accordance with this Regulation, the solicitor shall,

(a) prior to payment to the client or to his order of any money recovered for him, pay to the Fund therefrom the said costs; or

(b) prior to delivery to the client or to his order of any property, other than money, recovered for him or the title papers relating thereto, obtain from the client the execution and delivery of an appropriate instrument securing thereon the charge in favour of the Law Society or its nominee for the said costs, and shall register the instrument in the proper office and forward the duplicate original thereof with registration or filing notations thereon to the Director."

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Legal Aid Committee for the respective area:

Simcoe County — Edward C. Wildman, Solicitor, Barrie.
The following resignation was noted:

Frontenac County — T. D. Slater, Q.C. (deceased)
June 12th, 1970.

THE REPORT WAS ADOPTED.

Moved by Mr. Beament, seconded by Mr. Levinter, that Mr. J. D. Bowlby be appointed Vice-Chairman of the Legal Aid Programme Committee. *Carried*

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

John David Lloyd.

John Francis Donald MacIsaac — Special — Transfer from Nova Scotia.

George Alexander Rogers — Special — Transfer from Nova Scotia and Alberta.

Calvin George Scarfe — Special — Transfer from Manitoba.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Thursday, the 11th of June, 1970, the following members being present: Mr. Fennell, Chairman, Messrs. Beament and Steele, and Miss R. McCormick.

Your Committee met with representatives of the Educational Research Foundation of Middlesex to discuss the latter's research of the computer. This meeting was at the Foundation's request. The persons attending were the following: Messrs. Philip Mitches, G. T. Mitches, J. N. Herapath, Q.C., A. E. Jeffery (all Solicitors and members of the Law Society) and Professor K. G. Langland of the Department of Computer Science of the University of Western Ontario.

Your Committee was advised as follows: The Foundation is researching the in-put and retrieval of legal information from the computer. It is expected that by early September, 1970, up-to-date consolidations and cross-references of the following Acts, their Regulations and relevant cases will have been placed on computer tape: The Department of Education Act; The Public Schools Act; The Secondary Schools and Boards of Education Act; The Schools Administration Act; The Separate Schools Act; The Teachers' Superannuation Act.

The Foundation believes that it is the only group of lawyers doing research in this area in Canada. In other instances, lay people are doing the research. Up to the present, the main source of financing has been the Mitches family monies. The Foundation is incorporated and a non-profit organization and it has no wish of embarking on a commercial venture.

Mr. G. T. Mitches advised on behalf of the Foundation that the purpose of requesting this meeting was to make the

Society aware of what the Foundation had done to date and to ask for whatever guidance the Society may wish to give. Mr. Mitches anticipates that the Foundation will be placing other areas of the law on computer tape and that at some period in time the computer will be available for use to the profession. Mr. Mitches wishes guidance as to how this can best be done. The Foundation does not wish to become involved on a commercial basis.

Your Committee feels that any computer system made available to the profession should not be operated on a commercial basis. As expressed in an earlier report, your Committee is of the opinion that in order to be economical any computer system made available should be on a nation-wide scale and involve not just the legal profession but other segments of the population which would make use of the information. To this end, Convocation earlier adopted a recommendation that the Treasurer seek to have the matter handled on a broader basis perhaps through the Conference of Governing Bodies or the Canadian Bar Association.

Your Committee feels that the Society should keep abreast of the continuing research of Mitches' Foundation and towards this end your Committee recommends that the Treasurer appoint a member of your Committee to observe and report back to the Committee as to the continuing research of the Foundation.

THE REPORT WAS ADOPTED.

Pursuant to the Recommendation of the Special Committee on Planning, the Treasurer appointed Mr. R. D. Steele, Q.C., to be the observer of the continuing research of Mr. Mitches' Foundation.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

Your Committee met on Thursday, June 11th, 1970, at 11:30 a.m., the following members being present: Mr. Pepper (Chairman) and Messrs. Cassels and Steele.

Your Committee had before it four applications.

The Committee recommends that a grant of $500 be made now to one of the applicants and a further $500 on December 1, 1970, subject to a report from Mr. Henderson.

Two of the applications were deferred pending the receipt of further information. Since the recommendation of the Committee at its March meeting that a grant be made to her, one of the applicants has remarried. The Secretary wrote to the applicant requesting information as to whether her remarriage had materially altered her financial position.

Your Committee recommends that depending upon the reply from the applicant the Chairman can act upon the approval of the Committee already given and the payments can be made.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Cassels

Your Committee met on Thursday, the 11th of June, 1970, the following members being present: Mr. Cassels, Chairman, and Messrs. Gray and Honsberger.

Your Committee has now completely catalogued all of the muniments and memorabilia which it has on hand and a list of all the items was before your Committee for discussion.

Your Committee has instructed that inquiries be made into the best methods of preserving and housing the collection and the costs involved. Providing the room in the attic above the Benchers quarters becomes available, your Committee intends making a start on setting up its museum this coming Fall.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON FEES—Mr. Sheard

Your Committee met on Wednesday, the 17th day of June, 1970, the following members being present: Messrs. Sheard (Chairman), Levinter and McLaughlin.

On the 9th May, 1970, the Finance Committee considered applications by three members to proceed under the Rule Respecting Members and Former Members who have Retired, and recommended to Convocation that the Rule be referred back to the Special Committee on Fees so that it can be considered and the necessary forms of application drafted for completion by those wanting to proceed under the Rule, and that consideration of the applications received be adjourned until the Report of the Special Committee has been considered.

On the 25th May, 1970, two draft forms were sent to members of your Committee for their consideration. The forms were slightly amended thereafter, and in their present form are designed to enable members proceeding under the Rule to decide from year to year whether they wish to receive the *Ontario Reports* at an additional fee.

Your Committee recommends that the forms, a copy of each of which is attached hereto, be approved.

THE REPORT WAS ADOPTED.

The Law Society of Upper Canada

RULE RESPECTING MEMBERS AND FORMER MEMBERS WHO HAVE RETIRED

APPLICATION BY A FORMER MEMBER WHO HAS RESIGNED

1. I, ... presently
(FULL NAME OF APPLICANT)

residing at ....
(FULL POSTAL ADDRESS OF APPLICANT)

....

....

hereby apply to have my membership in the Society restored at a reduced annual fee of $25.00 without payment of a fee on re-admission.

2. I certify the correctness of the following particulars with respect to myself:

(a) I was born on ....;
(DAY, MONTH, YEAR)

(b) I was called to the Bar of Ontario and enrolled as a Solicitor in the month of .... 19......, and thereafter continued as a member of the Society in good standing until ....
(DAY, MONTH, YEAR)

when I resigned my membership pursuant to permission granted to me by the Society so to do;

(c) on or before the last mentioned date I had attained the age of 65 years and on the said date I was retired;

(d) on the date hereof I am not gainfully employed save and except as follows:

....

....

....

(e) I have no present intention to cease to be retired as aforesaid.

3. If my application is granted I understand that from and after my restoration of my membership so long as I am entitled to pay a reduced annual fee:

   (a) I shall not be liable to pay any Compensation Fund levy; and

   (b) I shall not be entitled to receive the Ontario Reports, without separate payment therefor.

4. If my application is granted, I undertake to the Society from and after the restoration of my membership as follows:

   (a) that so long as I continue my membership at a reduced annual fee, I shall neither practise law in any manner whatsoever nor be gainfully employed save as aforesaid; and

   (b) that if I wish to resume the practice of law or to be gainfully employed otherwise than as aforesaid, I shall forthwith inform the Society of my intentions and then and thereafter pay to the Society such fees and levies as may be prescribed by the Society.

5. That the following additional information (if any) is relevant to my application.

....

....

....

Dated at ...., this ....
day of ...., 19......

....

(SIGNATURE OF APPLICANT)

The Law Society of Upper Canada

RULE RESPECTING MEMBERS AND FORMER MEMBERS WHO HAVE RETIRED

APPLICATION BY A MEMBER WHO HAS RETIRED

1. I, ...
(FULL NAME OF APPLICANT)

of the .... of ....
in the County of .... and Province of
...., hereby apply to continue my membership in the Society at a reduced annual fee of $25.00.

2. I certify the correctness of the following particulars with respect to myself:

(a) I was born on ....;
(DAY, MONTH, YEAR)

(b) I am a member in good standing of the Society, my annual fees to the Society are paid in full to the 30th day of November, 19...... and, I am not indebted to the Society in any amount;

(c) I retired on .... since
(DAY, MONTH, YEAR)

which time I have not been gainfully employed, save and except as follows ....

....

....; and

(d) I have no present intention to cease to be retired as aforesaid.

3. If my application is granted, I understand that so long as I am entitled to pay a reduced annual fee:

(a) I shall not be liable to pay any Compensation Fund levy; and

(b) I shall not be entitled to receive the Ontario Reports without separate payment therefor.

4. If my application is granted, I undertake to the Society as follows:

(a) that so long as I continue my membership at a reduced annual fee, I shall neither practise law in any manner whatsoever nor be gainfully employed save as aforesaid; and

(b) that if I wish to resume the practice of law or to be gainfully employed otherwise than as aforesaid, I shall forthwith inform the Society of my intentions and then and thereafter pay to the Society such fees and levies as may be prescribed by the Society.

5. That the following additional information (if any) is relevant to my application:

....

....

....

DATED at ...., this ....
day of ...., 19 ....

....
(SIGNATURE OF APPLICANT)

CORRESPONDENCE

The Treasurer read a letter from the Honourable Mr. Justice Wilson dated May 29, 1970 presenting to the Great Library a copy of the Cyprus Constitution and copies of the Cyprus Law Reports issued since independence, and informed Convocation that he had written to Mr. Justice Wilson thanking him on behalf of the Society.

CONVOCATION THEN ROSE.

The Treasurer and Benchers had as their special guests at luncheon the Honourable Mr. Justice Brooke, the Honourable Mr. Justice Wright, and Dr. J. Ll. J. Edwards, Director, Centre of Criminology, University of Toronto.

Read in Convocation and confirmed this 18th day of September, 1970.

"G. ARTHUR MARTIN"
Treasurer.

MINUTES OF SPECIAL CONVOCATION

Friday, 14th August, 1970
10 a.m.

Present:

The Treasurer (Mr. G. Arthur Martin, Q.C.) and Messrs. Beament, Bowlby, Callon, Chappell, Clement, Common, Estey, Evans, Ford, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Levinter, Lochead, McCulloch, MacKinnon, O'Driscoll, Raney, Robins, Strauss, Slemin, Thom and R. F. Wilson.

The Treasurer said that the Legal Profession and the Medical Profession has suffered a great loss in the death of Dr. Kenneth G. Gray, Q.C., on July 30th. Dr. Gray had made a great contribution to both the Legal Profession and the Medical Profession as a teacher, as an architect of progressive mental health legislation and as a forensic psychiatrist.

The Treasurer said that he had written to Mrs. Gray conveying to her the deepest sympathy of the Benchers and himself on her bereavement.

DISCIPLINE COMMITTEE—Mr. Evans

Re: MANNING F. SWARTZ, Oshawa

Mr. Evans referred to the Report of the Discipline Committee dated June 10th, 1970, which was presented to the Special Convocation on the 18th June, 1970, and presented the following further Report:

In the Matter of The Law Society Act
and in the Matter of Manning F. Swartz
of the City of Oshawa, a Barrister and
Solicitor.

Your Committee met on Tuesday, the 30th day of June, 1970, at 4:00 p.m., the following members being present: Messrs. Gray (Chairman), Bowlby, O'Driscoll and Thom. Mr. Brian Kelsey, Counsel for the Society, and the Solicitor with his Counsel, Mr. William Smith, Q.C., were also in attendance.

Your Committee heard evidence respecting the Solicitor's character from the following persons: Mr. T. H. Greer, Solicitor; Mr. E. Marks, Q.C., Solicitor and former mayor of Oshawa; Mr. J. A. Yanch, Q.C., Solicitor; Mr. G. K. Drynan, Q.C., Solicitor; Mr. J. W. Froud, Manager of the Oshawa Branch of Canada Permanent Mortgage Corporation; and Mr. Gordon Miles, Manager of the Oshawa Branch of the Toronto-Dominion Bank. Mr. Bruce Mackey, Solicitor and present Mayor of Oshawa, was unable to be present due to another commitment. The Chairman of the Committee read into the record his notes of Mr. Mackey's testimony given at the previous hearing and this was acceptable to the Solicitor and his Counsel.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Reports be adopted.

The solicitor attended with his counsel, Mr. W. J. Smith, Q.C.

Mr. Brian Kelsey attended for the Society.

Mr. Smith made submissions to Convocation and asked that in place of the recommended penalty the solicitor be allowed to resign his membership in the Society on such terms as Convocation might think fit.

The solicitor and both counsel retired.

After some discussion the solicitor and both counsel returned and Mr. Kelsey was asked to cite authorities on the distinction, if any, between professional misconduct and conduct unbecoming a barrister and solicitor.

Mr. Kelsey made submissions, and Mr. Smith replied.

The solicitor and both counsel then retired.

Moved in amendment by Mr. Goodman, seconded by Mr. Callon, that the solicitor be permitted to resign his membership in the Society upon undertaking never to apply for re-admission, and upon payment of the costs of the Society's investigation.

Mr. McCulloch took no part in the discussion and did not vote.

The amendment was lost.

The motion was carried.

It was accordingly ordered —

1. THAT the Report of the Discipline Committee in the matter of MANNING F. SWARTZ, Barrister, a member of this

Society and a Solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said MANNING F. SWARTZ guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said MANNING F. SWARTZ be disbarred.
4. THAT the said MANNING F. SWARTZ is unworthy to practise as a Solicitor.

RE: GEORGE RUSSELL RUTHERFORD FRAME, Toronto

The Secretary reported to Convocation that the mail strike had prevented the solicitor from being served with the Committee's Report.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the matter be adjourned to the next Convocation, and that the Report be served personally upon the solicitor. *Carried*

RE: RICHARD PIKNA, Hamilton

IN THE MATTER OF The Law Society Act
AND IN THE MATTER OF Richard Pikna, of the
City of Hamilton, a Barrister and Solicitor.

As a result of information received by the Society, an investigation was made of this Solicitor's books and records. As a result of this inspection, a Notice of Complaint was issued against the Solicitor returnable before your Committee on Monday, the 27th day of April, 1970, at 10:00 a.m.

Your Committee, consisting of Messrs. Chappell (Chairman), Goodman and McLaughlin, met at the appointed time and at the Solicitor's request granted an adjournment to Wednesday, the 3rd day of June, 1970, at 10:00 a.m. Mr. Douglas Carruthers, Q.C., attended as Counsel for the Society and the Solicitor was unrepresented. Your Committee, consisting of Messrs. Gray (Chairman), H. E. Harris, Steele, Strauss and Thom, met on the adjourned date and the matter proceeded. Counsel for the Society attended as before and the

Solicitor remained unrepresented. The Solicitor admitted service of the Notice of Complaint and advised that he was prepared to proceed without Counsel.

The Notice of Complaint alleged that the Solicitor was guilty of "professional misconduct or conduct unbecoming a Barrister and Solicitor". The particulars respecting this allegation were set out in twelve separate paragraphs contained in the Notice.

Paragraph No. 1 alleged that the solicitor:

> "Between the 4th day of July, 1968 and the 8th day of August, 1968, both inclusive, did misappropriate the sum of $4,980.29 more or less, being part of monies received in trust for Louis Ceroni, a client of the firm of which you were a member."

Your Committee finds the particulars in paragraph No. 1 established.

Paragraph No. 2 alleged that the Solicitor:

> "Between the 28th day of September, 1967 and the 31st day of December, 1967, both inclusive, did receive in trust for your client, Ancaster Lumber and Supplies Limited, and others, the sum of $11,000.00 more or less and misappropriated $3,600.00 of it, more or less."

Your Committee finds the particulars of paragraph No. 2 established.

Paragraphs Nos. 3, 4 and 5 alleged that the Solicitor:

> "In or about the month of April, 1968, having applied to Fidelity Mortgage and Savings Corporation of the City of Hamilton on behalf of yourself and others with whom you were associated for two loans, one for $51,500.00 and the other for $62,000.00, to be secured by two first mortgages registered against lands owned by yourself and others with whom you were associated, and knowing that neither you nor your firm had instructions to act on behalf of Fidelity Mortgage and Savings Corporation in the said mortgage transactions, did enter into an agreement with Edward R. Madronich, a Solicitor in the City of Hamilton, engaged by Fidelity Mortgage and Savings Corporation to act on its behalf in the said mortgage transactions, whereby you, in the name of the said Edward R. Madronich and without the knowledge or consent of Fidelity Mortgage and Savings Corporation, would do all things required to be done by its Solicitor for and on

behalf of Fidelity Mortgage and Savings Corporation in the said mortgage transactions without the said Edward R. Madronich taking any part except to endorse cheques received from Fidelity Mortgage and Savings Corporation and to this end you did prepare and sent on the letterhead of the said Edward R. Madronich reporting letters to Fidelity Mortgage and Savings Corporation, including Solicitor's Certificates of Title signed by you in the name of the said Edward R. Madronich."

"On the 1st day of May, 1968, having applied to Fidelity Mortgage and Savings Corporation of the City of Hamilton for a loan of $51,500.00 to be secured by a first mortgage registered against Lot 12 and part of Lot 13, Plan 1177 of the Township of Saltfleet, in the County of Wentworth, being lands which at that time you alleged were owned by yourself and others with whom you were associated, knowing that Edward R. Madronich, the Solicitor who had been engaged by Fidelity Mortgage and Savings Corporation to act on its behalf in the said mortgage transaction had not taken any steps to search the title to the said lands and had no knowledge as to the state of the title to the said lands and knowing that you and the persons with whom you were associated did not have good title to all of the lands against which the said mortgage was to be registered, did cause a written report on the letterhead of the said Edward R. Madronich to be sent to Fidelity Mortgage and Savings Corporation, which report contained the statement "we have searched the title of the subject property and have found such title to be in order."

"On the 20th day of December, 1968, after the said sum of $51,500.00 had been advanced by Fidelity Mortgage and Savings Corporation to you and those with whom you were associated, as a loan to be secured by a first mortgage registered against Lot 12 and part of Lot 13, Plan 1177 for the Township of Saltfleet, in the County of Wentworth, did dictate, send and sign in the name and on the letterhead of Edward R. Madronich, the Solicitor engaged to act on behalf of Fidelity Mortgage and Savings Corporation in the said mortgage transaction, a reporting letter in which it was stated that 'the mortgagors have a good and marketable title to the said property and your mortgage constitutes a first charge upon the said lands' and that the said mortgage was the only encum-

> brance registered against the said lands, and in which there was enclosed a Solicitor's Certificate signed by you in the name of the said Edward R. Madronich certifying that the title to the said lands 'is good and sufficient for the purposes of Fidelity Mortgage and Savings Corporation' knowing that on the 20th day of December, 1968, you and those with whom you were associated did not have good title to all of the said lands and that there was registered against the said lands a second mortgage in the amount of $110,000.00."

Your Committee makes no finding as to who signed the letters certifying title but otherwise finds the particulars in paragraphs 3, 4 and 5 established.

Paragraph No. 6 alleged that the Solicitor:

> "In or about the month of June, 1969, did borrow money from Barney Rosenblatt, of the City of Hamilton, a client whose interests were not represented by an independent Solicitor and to whom you knowingly and with intent to deceive made false statements in writing about the security for the loan in which you had a personal interest."

Your Committee finds the particulars in paragraph No. 6 established. At the time of his reporting letter, there was no valid title to Mrs. Pikna and there was a prior existing mortgage. The Solicitor knew this. In addition, he knew that only $7,000 of the purchase price was advanced so that the equity in the property was less than half the amount of the loan.

The complaint set out in paragraph No. 7 was not established.

Paragraph No. 8 alleged that the Solicitor:

> "In or about the month of November, 1968, did borrow money from Jan and Rose Rosenblatt, of the City of Hamilton, clients whose interests were not represented by an independent Solicitor and to whom you knowingly and with intent to deceive did make false statements in writing about the security for the loan in which you had a personal interest."

Your Committee finds the particulars in paragraph No. 8 established.

Paragraph No. 9 alleged that the Solicitor:

> "In or about the month of October, 1968, did borrow money from Hamilton Trust and Savings Corporation, of

> the City of Hamilton, as a client whose interests were not represented by an independent Solicitor and to whom you knowingly and with intent to deceive did make false statements in writing about the security for the loan in which you had a personal interest."

Your Committee finds the particulars in paragraph 9 established.

The complaints set out in paragraphs 10, 11 and 12 were not established.

On the evidence before it your Committee finds the Solicitor guilty of professional misconduct. The Solicitor has misappropriated clients' monies and in transactions where he had a personal interest he has acted for clients and deliberately deceived them. He has benefitted himself in these transactions while at the same time showing an utter and complete disregard for the rights and interests of his clients. Your Committee cannot and does not accept the Solicitor's explanation that he meant no harm and that he was always in a position to correct each transaction. The fact that no one appears to have suffered any harm is just fortunate.

Your Committee recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Richard Pikna was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 10th day of April, 1964.

Moved by Mr. MacKinnon, seconded by Mr. Gray, that the Report be adopted.

The Solicitor attended with his counsel, Mr. Claude R. Thomson.

Mr. Douglas Carruthers, Q.C., attended as counsel for the Society.

Mr. Thomson made submissions and asked that in place of the recommended penalty, the Solicitor be suspended from practice or granted permission to resign his membership in the Society upon giving an undertaking never to apply for re-admission.

The Solicitor and both Counsel retired.

Convocation considered the submissions which had been made.

Messrs. Evans, R. F. Wilson and Chappell took no part in the discussion and did not vote.

The motion was carried.

It was accordingly ordered —

1. THAT the Report of the Discipline Committee in the matter of RICHARD PIKNA, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said RICHARD PIKNA guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said RICHARD PIKNA be disbarred.
4. THAT the said RICHARD PIKNA is unworthy to practise as a Solicitor.

CONVOCATION ADJOURNED AT 12:30 P.M.

The Treasurer and Benchers entertained as their special guest at luncheon Mr. L. R. MacTavish, Q.C., Senior Legislative Counsel.

Convocation resumed at 2:20 p.m. in the Discipline Committee Rooms, the following members being present: The Treasurer and Messrs. Bowlby, Chappell, Clement, Evans, Ford, Gray, H. E. Harris, W. E. Harris, Henderson, Lochead, MacKinnon, O'Driscoll, Raney, Robins, Slemin, Strauss, Thom and R. F. Wilson.

RE: SOLICITOR

Complaints having been received with respect to the solicitor's professional conduct, a Notice of Complaint was issued containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Contrary to Rule 9 of the Rules Respecting Accounts did not, on or before the 30th day of November 1966, file with the Society either a report duly completed by a public accountant and signed by you in the prescribed form or a statutory declaration as provided by the Rule.

2. Have not replied to letters from The Law Society of Upper Canada in connection with complaints about your professional conduct;

The charges set out in paragraphs 3, 4, 5 and 6 are not reproduced since they were not established.

The Notice of Complaint was made returnable on the 21st of November, 1967, at 10:00 o'clock in the forenoon. Your Committee met at the appointed time composed of Mr. Nathan Strauss, Chairman, and Messrs. McLaughlin, Seymour and Slemin. The solicitor attended without counsel.

With respect to the first specific complaint, the solicitor testified that he thought that his accountant had filed the necessary report. The solicitor had sent the original report to him asking that it be signed and forwarded to the Society. This has been the way the matter was previously handled. The solicitor undertook to file the required report forthwith. This was subsequently done.

In regard to the second specific complaint, the solicitor said that he understood one of the Society's letters concerned the complaint of one James Murrell. He stated that he did not recall having received the letter. The other letter from the Society concerned a complaint by another client. On receipt of that letter, the solicitor said that he had contacted the client. The latter had indicated that he had been told that if he wrote the Society his divorce action would be expedited. The solicitor told him this was not so. The client then told the solicitor he realized that he had done the wrong thing and had written the Society withdrawing the complaint. The solicitor agreed that he should have written the Society to confirm that the complaint had in fact been withdrawn.

A further complaint having been received by the Society with respect to the solicitor's professional conduct, a second Notice of Complaint, containing the following specific complaints, was issued:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:

1. Contrary to Rule 9 of the Rules Respecting Accounts did not, on or before the 30th day of November 1967, file with the Society either a report duly completed by a public accountant and signed by you in the prescribed form or a statutory declaration as provided by the Rule;

2. Have not replied to letters from The Law Society of Upper Canada in connection with a complaint about your professional conduct."

The charge contained in paragraph three is not reproduced since it was not established.

This Notice of Complaint was made returnable on May 3rd, 1968, at 10:00 o'clock in the forenoon. The solicitor was also advised by mail that the hearing regarding the first Notice of Complaint would reconvene on that date.

Your Committee met on the appointed day, composed as before. The solicitor stated that he had been out of town and was unaware that the hearing on the first Notice of Complaint was to reconvene on this date. He was equally unaware that the second Notice of Complaint had been issued. The Society's letters had not been brought to his attention. He did not question the propriety of the notice of the meeting but did ask for an adjournment in order that he could prepare himself.

The hearing was adjourned to the 16th of May at 2:30 in the afternoon. Your Committee reconvened at the appointed time, composed of Mr. Strauss as Chairman and Messrs. Seymour and Slemin. Mr. McLaughlin did not attend and took no further part in the proceedings. The solicitor attended without counsel.

With respect to the first specific complaint, the solicitor said that he had filed his auditor's report for the period ending November 30th, 1967. He stated that he had previously thought that his auditor had filed it. The solicitor indicated that he had changed auditors.

With respect to the second specific complaint, the solicitor admitted that he had failed to reply to the Society's letter concerning an Estate.

Further complaints having been received by the Society a third Notice of Complaint was issued containing the following specific complaints:

"Take Notice that it is alleged that you have been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in that you:

1. Have not replied to letters dated July 31st 1969 and August 21st 1969 from The Law Society of Upper Canada in connection with the complaint of Mr. A. Keith Lang with respect to your professional conduct;

2. Have not replied to letters dated July 31st 1969 and August 21st 1969 from The Law Society of Upper Canada in connection with the complaint of Mr. and Mrs. Norville Horan with respect to your professional conduct;
3. Have not replied to a letter dated August 1st 1969 from The Law Society of Upper Canada in connection with the complaint of Mr. and Mrs. K. S. Rider and Mrs. Doreen Carson with respect to your professional conduct."

This notice was made returnable on the 21st day of October, 1969, at 10:30 in the forenoon. The solicitor was also advised that the hearings adjourned *sine die* on the 16th day of May, 1968, would reconvene on this date.

Your Committee met at the appointed time, composed of Mr. Nathan Strauss as Chairman and Messrs. Seymour and Slemin. The solicitor attended.

Clare Scott testified that he is Assistant Secretary of the Society. He stated that on the 31st of July, 1969, he wrote to the solicitor enclosing copies of two letters from a law firm in British Columbia. The two letters were in regard to the delay in the completion of the Mary A. Lang Estate and were on behalf of one A. Keith Lang, a beneficiary. The solicitor was acting as the lawyer for the Executors. No reply being received, the Society's file indicated a second letter was sent to the solicitor on August 21st, 1969. Neither letter was by registered mail.

The solicitor acknowledged receipt of the Society's letter of August 21st but disclaimed any knowledge of the Society's letter of July 31st.

He testified that, when the letter of July 31st arrived in his office, he had been absent from the Province on business. Returning around the end of the first week in August, the solicitor found the letter. It was his intention to deal with the matter it raised as speedily as possible. However, the project the solicitor was then working on took a large amount of time and he was accordingly unable to look into the complaint. The solicitor said that he had no valid reason for not replying to the Society's letter with respect to the Lang complaint, as well as letters with respect to the Horan and Carson-Rider complaints, which were the subject matter of the second and third specific complaints. He then proceeded to file written replies on the three complaints.

The solicitor said that with the exception of cleaning up old matters he was no longer in private practice.

Upon the evidence before it, and admissions made by the solicitor, your Committee finds the first and second specific complaints in the first Notice of Complaint, the first and second specific complaints in the second Notice of Complaint and the first, second and third specific complaints in the third Notice of Complaint to be established. Your Committee recommends that the solicitor be reprimanded in Convocation, and that the fact of his reprimand be published with the publication of his name.

Moved by Mr. Evans, seconded by Mr. Strauss, that the Report be adopted.

The solicitor attended with his counsel, Mr. Roy McMurtry, who made submissions and asked Convocation not to require publication of the fact that the solicitor was reprimanded.

The solicitor and his counsel retired.

Moved by Mr. Robins, seconded by Mr. Ford, that the Report be amended to delete the requirement of publication of the solicitor's name, and that the solicitor be required to pay the costs of the Society's investigation. *Carried*

Mr. MacKinnon took no part in the discussion and did not vote.

The Report as amended was adopted.

The solicitor returned, was told of the amendments, and was reprimanded by the Treasurer.

RE: WALTER DONCASTER SMITH, London

IN THE MATTER OF THE LAW SOCIETY ACT
AND IN THE MATTER OF WALTER DONCASTER
SMITH OF THE CITY OF LONDON, a Barrister
and Solicitor.

Convocation on the 18th June, 1970, considered the Report of the Discipline Committee dated the 19th May, 1970, respecting Walter Doncaster Smith of London, and adjourned the matter to a Special Convocation upon the solicitor undertaking to bring his records into compliance with the the necessary work to keep the Society's auditors advised, and the solicitor was so advised.

The Report of the Discipline Committee recommending that the solicitor be suspended for three months, is again before Convocation.

Moved by Mr. MacKinnon, seconded by Mr. Evans, that the Report be adopted.

The Secretary advised Convocation that the Society's auditor was satisfied that the solicitor's books now complied with the Society's Rules Respecting Accounts.

The solicitor attended without counsel. He told Convocation that his own auditors had advised him that his books had been brought into compliance with the Society's Rules, but that he had yet to send out bills to clients to support withdrawals of money belonging to him now in the trust account for services he had rendered. He confirmed his willingness to have the Society's auditors advised periodically by his own auditors of the condition of the solicitor's books.

The solicitor retired.

Moved by Mr. W. E. Harris, seconded by Mr. O'Driscoll that consideration of the Report be adjourned six months, to be brought on before the February Convocation in 1971.

Carried

The solicitor returned and was told of the adjournment. He renewed his undertakings to keep his books properly and to instruct his auditors to give to the Society's auditors upon request all information respecting the solicitor's books and records.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Friday, the 14th day of August, 1970, the following members being present: Messrs. Ford (who acted as Chairman), H. E. Harris, Clement and Strauss. Mr. Gordon Henderson who is not a member of your Committee was also present.

Reporting

Contract for Publication of Ontario Reports

Your Committee received the Report of the Sub-Committee appointed to consider the tenders received for the contract for the publication of the *Ontario Reports*. This report is attached and your Committee recommends its adoption.

The following is a digest of the Report of the Sub-Committee on the contract for the *Ontario Reports*:

Your Sub-Committee consisting of Messrs. Steele (Chairman), Ford, Strauss and Maloney was appointed in May, 1970, to consider tenders for the publication of the *Ontario Reports* received from law book publishing companies. The present contract with Canada Law Book Limited is for five years and expires at the end of 1970.

Your Sub-Committee has carefully reviewed each tender and retained Messrs. Clarkson, Gordon to assist it in reviewing the financial aspects of the tender. Your Sub-Committee also retained a solicitor to assist it.

On the basis of costs Messrs. Clarkson, Gordon recommend that the contract be awarded to Canada Law Book Limited.

Canada Law Book Limited's new cost proposal is not only substantially lower than other bids but is also considerably less than the present cost under their existing contract (about $26,000 less, *i.e.*, about one-third less based on the same 2,700 pages to 7,600 members). Although the new contract would not come into effect until the 1st of January, 1971, Canada Law Book if given the contract, are prepared to give to the Society the benefit of their new cost proposal retroactive to the 1st of July, 1970. This would result in a substantial saving to the Society (about $13,000) for the six-month period prior to the 1st of January, 1971.

In addition to the cost elements of the tenders received, your Sub-Committee has given careful consideration to the quality of editorial arrangements proposed by each of the companies. Canada Law Book propose continuing basically the editorial arrangements and policies as are now being employed in the *Ontario Reports* now being published by them under the contract expiring the 31st December, 1970. The Sub-Committee finds these editorial arrangements have been eminently satisfactory.

Each of the other tenderers have made detailed, specific and intelligent proposals as to editorial arrangements which they would be prepared to make and policies they would follow in the event of being awarded the new contract. Your Sub-Committee finds that each of these proposals would likely also be eminently satisfactory if the new contract were so awarded.

Since, however, it is impossible to say that the quality of editorship which other bidders would supply if awarded the contract would be superior to that of Canada Law Book, it remained to make a recommendation on the basis of cost. In view of the fact that the bid was substantially less than that of other bidders, in fact nearly one-third less than their price under the current contract, the Sub-Committee has no hesitation in unanimously recommending that the new contract to take effect on the expiration of the present contract (Dec. 31st, 1970), be awarded to the Canada Law Book.

As stated, Canada Law Book has agreed, if awarded the contract, to make the terms retroactive to the 1st of July, 1970, with a further saving to the Society of some $13,000.

Your Sub-Committee also recommends that the contract, if awarded to Canada Law Book, be in the form of the contract herewith submitted to this Committee. One of the matters specifically considered by your Sub-Committee with reference to the terms of any new contract was the matter of copyright. It was the Sub-Committee's view that although clearly, as a matter of law, the first owner of the copyright in the material published would be the publisher, that it was important that the Society and no one else should have the right to reproduce any part of the material so published. Provisions have accordingly been made in the contract by which the Society is the exclusive licensee of the copyright in the published material.

The principle changes from the 1966 contract other than price reductions are:

(1) *Re Copyright:*

a) The publisher agrees that its editors will be employed on a basis in which they will agree that the first ownership of copyright in all material published will be in the publishers.

b) The publisher agrees to grant to the Society an exclusive royalty-free licence to use or reproduce any material published before or after the 1st of January 1971.

c) The publisher agrees that in the event of assigning the copyright in any material published that it will exact a covenant to honor the licence granted to the Society.

(2) *Re Length of Contract:*

The period of the draft agreement is for 10 years, i.e., until 31st December, 1980, provided that either may terminate the contract by giving notice to the other by the 30th June in any year, directed to the end of December of that year. It is provided further that if neither gives notice by the 30th June, 1980, the contract shall continue from year to year until terminated by either party giving notice of termination by the 30th June in any subsequent year, directed to the 31st December in the year in which notice is given.

Your Sub-Committee further recommends that if the Committee and Convocation accept the recommendation that the contract be awarded to the Canada Law Book Company, that the formal contract be executed forthwith and the Company's offer to make the contract retroactive to the 1st of July, 1970, also be accepted forthwith, to achieve a saving of about $13,000.

Dated this 14th day of August, 1970.

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE—Mr. Wilson

Your Committee met on Friday, July 3rd, 1970, at 10:00 o'clock in the forenoon, the following members being present: Mr. R. F. Wilson, Chairman, and Messrs. Beament, W. E. Harris, Roberts, and the Treasurer. Mr. L. R. MacTavish, Q.C., also attended at the Chairman's invitation.

Your Committee considered amendments to the Regulation recommended by the Admissions Committee and other amendments to the Regulation and the Rules and now recommends to Convocation the adoption of the Rules and Regulation in the form attached to and forming part of this Report.

Mr. Wilson submitted a number of recommendations for minor changes which were adopted.

Moved by Mr. Wilson, seconded by Mr. Ford, that the Rules and Regulation as amended be adopted. *Carried*

Moved by Mr. Wilson, seconded by Mr. Beament that Convocation should pass a resolution requesting the Lieutenant-Governor-in-Council, through the Attorney-General, to proclaim The Law Society Act in force on October 1st, 1970.

Carried

CORRESPONDENCE

The Treasurer read a letter dated July 2, 1970, from Mr. Brian Bucknall asking that he be authorized to write a history of the Law Society.

On motion duly made the request of Mr. Bucknall was referred to the Public Relations Committee for consideration.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 18th day of September, 1970.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF CONVOCATION

Friday, 18th September 1970
10 a.m.

PRESENT:

The Treasurer and Messrs. Beament, Callon, Cass, Chappell, Common, Dubin, Estey, Evans, Fennell, Ford, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Levinter, Lochead, Maloney, MacKinnon, McLaughlin, O'Driscoll, Pepper, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of the Special Convocation of June 18th, the regular Convocation of June 19th, and the Special Convocation on August 14th, 1970, were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 10th day of September, 1970, at 12:30 p.m., the following members being present: Mr. Robins, Chairman, Mr. Gray, Vice-Chairman, and Messrs. Callon, Estey, Goodman, Henderson, MacKinnon, Sheard and Slemin.

SUMMARY OF RECENT FEDERAL AND ONTARIO LEGISLATION

In February, 1969, the Legal Education Committee recommended and Convocation approved the recommendation that the Director of the Bar Admission Course distribute bulletins notifying the profession of recent changes in provincial and federal legislation, the cost and specific contents of the bulletins to be subject to the approval of the Chairman of the Legal Education Committee. In October, 1969, the Director of the Bar Admission Course reported to the Committee that the costs of this publication to that time were $5,386.58 under the editorship of Mr. P. deC. Cory who refused an honorarium. The Committee recommended that the publication be continued subject to the approval of the Finance Committee. The Finance Committee gave its approval in November, 1969.

The 1970 edition of the Summary has been distributed to the Profession.

Examining Board

The Examining Board which examines those who transfer to practice in Ontario from other Common Law provinces in Canada consists of the Director of the Bar Admission Course, Jeffrey K. Smith and J. S. Boeckh, Q.C.

Mr. Boeckh is unable at present to continue serving on the Examining Board. It is recommended that Mr. Melville O'Donohue, Q.C., be appointed to the Board *pro tem.* Mr. O'Donohue was called to the Bar in September, 1951, and is a member of the firm of Gardiner, Roberts, Anderson, Conlin, Fitzpatrick, O'Donohue and White.

CONTINUING EDUCATION PROGRAMME

The Law Society's Programme for the Continuing Education of the Bar has been expanded to enable a number of courses to be offered for the assistance of the profession during the coming year.

A brochure describing the courses intended to be offered was sent to the profession. *Approved*

BAR ADMISSION COURSE ENROLMENT — ACCOMMODATION

Enrolment exceeds the number of places in the large lecture room by about 35. This "overflow" will be accommodated in a group room which will be set up for live viewing of the lecture on closed circuit television. Arrangements for the installation and operation of this service have been made with the Instructional Media Centre. The opportunity will be used to test reaction to this kind of presentation generally by a questionnaire which is being worked out with the Centre. The cost of this programme for one week is estimated at $400.

It is expected that attendance will fall off after the first week making this service no longer necessary. However, the arrangements are looked upon as an open experiment with the possibility of continuing this service on the same or modified basis.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday the 10th day of September, 1970, at 2:30 p.m., the following members being present: Mr. Terence Sheard in the Chair, and Messrs. Beament, Callon, Lochead and Slemin.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 471 candidates having complied with the relevant Regulation, paid the required admission fee of $101 and filed the necessary papers have applied for admission to the Law Society as Students-at-Law in the Bar Admission Course, as of September 1st, 1970, under Bar Admission Regulations — Part II — No. 2.

In addition, the following candidates have applied:

Under Regulations 5 and 6

CHAMBERLAND, Pierre Claude Wilfred, Quebec.

Under Regulation 8

CHANNAN, Krishan Kumar, Kenya.
COLLINS, Anthony Ralph, England.
GLEESON, Michael, Ireland.
PICKERING, Francis David, England.
POORAN, Ramkissoon, Trinidad.

Under General Transfer Provisions

O'BRIEN, Allan Robert Bremner, Alberta.
PORTIGAL, Harvey Leonard Samuel, Manitoba.

Approved

Applications to transfer to practice in Ontario were considered from four United Kingdom solicitors, and from two Advocates from India. They were approved.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law, Queen's University, ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Donald D. Carter, B.A., LL.B. (Honours), B.C.L. (Oxford).
L. R. Robinson, B.A., LL.B., LL.M. (Harvard)
C. Gordon Simmons, B.A., B.C.L. (New Brunswick), LL.M. (University of Michigan Law School); Member of the Bar in New Brunswick; Member of the Bar of Prince Edward Island.

Approved

Your Committee recommends that an examination fee of $100 be required to be paid by those proceeding under Regulation 10(b) as a prerequisite to sitting the prescribed examinations.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 10th day of September, 1970, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), Callon, Fennell, Goodman, W. E. Harris, Henderson, Levinter, Pepper and R. F. Wilson.

ACCOUNTS

The Secretary reports that from the 1st July, 1970, to the 31st August, 1970, accounts, including Library Accounts, properly approved, to the amount of $103,627.56 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July to the 31st August, 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st August, 1970. *Approved*

ANNUAL FINANCIAL STATEMENT

A draft Annual Financial Statement for the year ending 30th June, 1970, as prepared by the auditors, Clarkson, Gordon & Company, is before the Committee for consideration, together with a letter dated August 20, 1970, enclosing samples of financial statements prepared under circumstances similar to those of the Law Society. *Approved*

ROLLS AND RECORDS

The Secretary reports

1. *Appointments to the Bench*

That the following former members of the Law Society have been honoured by their appointment to judicial office, and their names have been removed from the rolls and records of the Society:

Keith A. Flanigan, Q.C., Kingston: Called — 25 June, 1953; Appointed County & District Court Judge of the Counties & Districts of Ontario — June 1, 1970.

Charles F. Doyle, Q.C., Eastview: Called — 29 June, 1949; Appointed Jr. Judge, County of Carleton — June 12, 1970.

Hugh S. Honsberger, Q.C., Toronto: Called — 29 June 1950; Appointed Judge, County of York, September 2, 1970. *Noted*

2. That the following former members of the Law Society have died:

Donald A. Campbell, Willowdale	Called—29 June 1948; Deceased—14 January 1970.
Samuel A. Smith, Freeport, Grand Bahamas	Called—19 January 1928; Deceased—8 May 1970.
Thomas Z. Boles, Toronto	Called—18 October 1928; Deceased—26 May 1970.
Lorne R. Cumming, Q.C. Toronto	Called—14 September 1922; Deceased—5 June 1970.
George M. Huycke, Q.C., Toronto	Called—29 June 1921; Deceased—21 June 1970.
Frank L. Nash, Q.C., Toronto	Called—18 November 1926; Deceased—23 July 1970.
J. K. D. Sims, Q.C., Kitchener	Called—19 June 1930; Deceased—30 July 1970.
Kenneth G. Gray, Q.C., M.D., Toronto	Called—19 September 1935; Deceased—30 July 1970.
Jeromy R. Rutty, Hamilton	Called—25 June 1959; Deceased—6 August 1970.
John Meadows Marsh, Q.C., Toronto	Called—15 October 1925; Deceased—11 August 1970.
D. R. G. Griner, Toronto	Called—17 March 1967; Deceased—12 August 1970.
A. C. Butler, Q.C., Ottawa	Called—16 September 1948; Deceased—14 August 1970.
Harry B. Parkinson, Ottawa	Called—29 June 1949; Deceased—31 August 1970.
J. W. Gaius Thompson, Q.C., Toronto	Called—25 May 1923; Deceased—1 September 1970.

Noted

3. *Disbarments*

That the following former members of the Law Society have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Law Society:

Richard Pikna, Stoney Creek: Called — 10 April 1964; Disbarred — Convocation, 14 August 1970.

Manning F. Swartz, Q.C., Oshawa: Called — 21 January 1932; Disbarred — Convocation, 14 August 1970.

Noted

Honorary Life Members

Pursuant to Rule 32, the following are eligible to become Honorary Life Members of the Law Society:

Name	*Address*	*Normal date of Call*	*Called*
Brown, Albert Alphonsus	Hamilton	1920	21 Oct. 1920
Caldbick, Samuel Anderson, Q.C.	Timmins	1920	18 Nov. 1920
Cartwright, Rt. Hon. John Robert, P.C., Q.C.	Ottawa	1920	20 May 1920
Cassels, Hamilton, Q.C.	Toronto	1920	20 May 1920
Davidson, Huron Ross, Q.C.	London	1920	21 Oct. 1920
DesBrisay, Merrill, Q.C.	Toronto	1920	20 May 1920
Elgie, Goldwin Corlett, Q.C.	Toronto	1920	15 Jan. 1920
Flynn, Francis Joseph, Q.C.	St. Catharines	1920	21 Oct. 1920
Gardiner, Frederick Goldwin, Q.C.	Toronto	1920	20 May 1920
Grace, John Alphonse, Q.C.	Ottawa	1920	21 Oct. 1920
Harvie, William Prescott	Ottawa	1920	17 June 1920
Ingram, Adam Alexander, Q.C.	Midland	1920	17 June 1920
Jefferess, Stanley Rowland, Q.C.	Hamilton	1920	18 Nov. 1920
Kent, James Palmer, Q.C.	Toronto	1920	21 Oct. 1920
Kert, Lawrence, Q.C.	Toronto	1920	20 May 1920
Luxenberg, Benjamin, Q.C.	Toronto	1920	18 Mar. 1920
Macdonell, Ian McLean	Toronto	1920	20 May 1920
Mills, Paul Hubert, Q.C.	Toronto	1920	21 Oct. 1920
McAlister, Fred George, Q.C.	London	1920	17 June 1920
O'Connor, Austin Richard Michael, Q.C.	Ottawa	1917	21 Oct. 1920
Papernick, Henry, Q.C.	Downsview	1920	18 Nov. 1920
Phillips, Paul	Toronto	1920	15 Apr. 1920
Sneath, Alfred John, Q.C.	Toronto	1920	16 Sep. 1920
Walton, William Smith, Q.C.	Toronto	1020	18 Nov. 1920
Westland, Henry Lloyd George, Q.C.	Hamilton	1920	21 Oct. 1920
Weir, Samuel Edward, Q.C.	London	1920	21 Oct. 1920
White, George Stanley, Q.C.	Madoc	1920	21 Oct. 1920
Wilkins, Elwin Dean, Q.C.	Sudbury	1920	21 Oct. 1920
Addy, John James, Q.C.	Toronto	1924	18 Nov. 1920
Armstrong Vernon Walton, Q.C.	Toronto	1924	21 Oct. 1920
Atkinson, Harworth, Q.C.	Brockville	1922	21 Oct. 1920
Drew, Hon. George Alexander, Q.C.	Toronto	1923	17 June 1920
Holmes, Thomas Byron	Toronto	1922	21 Oct. 1920
Huffman, Malcolm	Chatham	1921	20 May 1920
Inch, Robert Fortune, Q.C.	Hamilton	1922	20 May 1920
Kellock, Hon. Roy Lindsay, Q.C.	Toronto	1920	16 Sep. 1920
Kemp, Frederick Wisner, Q.C.	Toronto	1922	21 Oct. 1920
Mulholland, Donald Badgerow, Q.C.	Toronto	1922	21 Oct. 1920
MacCorkindale, John Charles	Toronto	1924	21 Oct. 1920

Name	Address	Normal date of Call	Called
MacPhee, Neil Claude, Q.C.	Windsor	1924	21 Oct. 1920
MacDougall, Dougal Peter, Q.C.	Toronto	1922	20 May 1920
McNulty, Hugh John, Q.C.	Ottawa	1921	5 Feb. 1920
Putman, Cecil Eugene, Q.C.	Oakville	1922	21 Oct. 1920
Ramsay, Basil Arnot, Q.C.	London	1921	21 Oct. 1920
Scroggie, George Thompson, Q.C.	Toronto	1924	21 Oct. 1920
Stratton, Kenneth Vern, Q.C.	Stratford	1922	20 May 1920
Sullivan, Glenn Alexander, Q.C.	Toronto	1922	21 Oct. 1920
Weldon, Roy, Q.C.	Toronto	1924	21 Oct. 1920
West, William Ralph, Q.C.	Toronto	1922	18 Nov. 1920
Wickett, Thomas Haldane, Q.C.	Toronto	1923	20 May 1920

Approved

RESIGNATION

Professor Graham E. Parker, of the Osgoode Hall Law School, has advised that he is returning to Australia and asks that he be permitted to resign as a member of the Law Society.

Your Committee recommends that he be allowed to resign upon complying with the Society's rules.

CHANGE OF NAME

Nigel Svami, a student in the Bar Admission Course, submits a copy of an Order of His Honour Judge Steen of the County Court of the County of York dated the 7th day of August, 1970, changing his name from Nigel Natesan Muttukumara Svami, to Nigel Svami. He asks that the necessary changes be made on the rolls and records of the Law Society.

Approved

Gary Gerard Lapachelle-Bonney, a student in the Bar Admission Course, submits a copy of an Order of His Honour Judge Smith of the District Court of the District of Cochrane dated the 18th day of June, 1970, changing his name from Jean Gerard Lapachelle-Bonney to Gary Gerard Lachapelle-Bonney. He asks that the necessary changes be made on the rolls and records of the Law Society. *Approved*

RE: TEMPORARY LIBRARY — *145 Queen St. West.*

In July your Vice-Chairman was asked to authorize additional expenses for furnishings for the library to the amount of $1,744.88. The correspondence is before the Committee. Your Committee is asked to ratify this expenditure.

Approved

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Sept. 16—Mr. G. A. Johnston, Executive Secretary, C.B.A., asks permission to reserve the Club Room and Convocation Hall for meetings and a dinner for the Subsection Officers of the Ontario Branch of the Canadian Bar Association.

Sept. 24—The County of York Law Association ask permission to reserve the Club Room and Convocation Hall for a dinner meeting on Thursday, September 24th.

The Wills and Trusts Subsection, C.B.A., ask permission to reserve the Club Room and Convocation Hall for dinner meetings on the following dates: September 29th, October 20th, November 24th, 1970; January 19th, February 16th, March 23rd, April 20th and May 18th, 1971.

The Lawyers Club ask permission to reserve the Club Room and Convocation Hall for their regular dinner meetings on the following dates: September 10th, October 8th, November 12th, December 10th, 1970; January 7th, February 11th, March 11th, April 8th, and May 13th, 1971.

Also, Saturday, April 24th, 1971, for Ladies' Night.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

IN THE MATTER OF The Law Society Act, and

IN THE MATTER OF George Russell Rutherford Frame of the City of Toronto, a Barrister and Solicitor.

A complaint having been received, the Society's auditors attended at the Solicitor's offices. As a result of their investigation a Notice of Complaint was issued and served upon the Solicitor by registered mail in accordance with the Rules. The Notice of Complaint contained the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that:
>
> 1. you have failed to maintain at all times, and particularly in the months of January 1970 and June 1970, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds; contrary to the Rules Respecting Accounts;
> 2. you received at various times sums totalling $11,162.89, more or less, in trust from or on behalf of Mr. Thomas Skimming, and misappropriated some or all of it."

The date for the return of the Notice of Complaint was Tuesday, the 4th of August, 1970, at 10:00 o'clock in the forenoon.

Your Committee composed of Mr. Maloney as Chairman and Messrs. Common and McCulloch met at the appointed time. The Solicitor attended without Counsel. Your Committee was requested to amend the second specific complaint by deleting the figures $11,162.89 therefrom and substituting the figures $7,913.43 therefor. The Solicitor advised that he had been aware that the amendment would be requested and had no objection. The amendment was made accordingly. The Solicitor admitted the first specific complaint and the amended second specific complaint.

On the evidence before it and the admissions made by the Solicitor your Committee finds the complaints on the Notice of Complaint to be established and recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. George Russell Rutherford Frame was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 16th day of November, 1933.

Moved by Mr. Evans, seconded by Mr. Ford, that the Report be adopted.

The Solicitor attended without counsel and made submissions. He then withdrew.

After considering the Report and the submissions made by the Solicitor, Convocation adopted the Report.

Moved by Mr. Evans, seconded by Mr. Ford.

1. THAT the Report of the Discipline Committee in the matter of GEORGE RUSSELL RUTHERFORD FRAME, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.

2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said GEORGE RUSSELL RUTHERFORD FRAME guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said GEORGE RUSSELL RUTHERFORD FRAME be disbarred.
4. THAT the said GEORGE RUSSELL RUTHERFORD FRAME is unworthy to practice as a Solicitor. *Carried*

Re: FAILURE TO REPLY

Recently your Committee, composed of Mr. Walter Williston as Chairman and Messrs. Cass and McLaughlin, had before it a solicitor alleged to have been guilty of professional misconduct or conduct unbecoming a solicitor for failing to reply to letters from the Society concerning a complaint by a client. The complaint had been made in February of this year. The Society had written three letters to the solicitor, in February, March and April. No reply was received and a Notice of Complaint was served early in May and made returnable at the end of that month.

Three days after the Notice of Complaint was issued the Society received a letter from the solicitor dated the same day as the Notice. The solicitor was asked by your Committee why he had waited so long before replying to the Society. The solicitor said that he felt it was necessary to complete the matter before answering. Your Committee was satisfied that the solicitor had in fact written to the Society before he was aware of the Notice of Complaint and accordingly dealt with the matter in Committee.

This report is being made to Convocation because your Committee is most anxious that the professional realize that letters from the Society should be answered promptly, regardless of whether a complete report can be made by the solicitor at that time or not.

THE REPORT WAS RECEIVED.

ORDERS

The Secretary presented the following Orders which are entered on the Minutes of Convocation:

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF THE LAW SOCIETY ACT
AND IN THE MATTER OF PERRY CLIFFORD YOUNG
a Barrister-at-Law and one of the Solicitor
of The Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 18th day of June, 1970, suspend the said Barrister-at-law for a period of eighteen months from the 18th day of June, 1970.

THEREFORE this Court doth Order that the said PERRY CLIFFORD YOUNG be suspended from practice as a Barrister and Solicitor for a period of eighteen months from the 18th day of June, 1970.

Dated this 18th day of June, 1970.

Entered at Toronto
Recorded
on Film No. 208
as Document No. 832
on Jun 19 1970 V.G.

"M. R. Elliott"
Assistant Registrar
Supreme Court of Ontario

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF HECTOR MANSFIELD HOWELL
A BARRISTER-AT-LAW AND ONE OF THE SOLICITORS
OF THE SUPREME COURT OF ONTARIO, AND IN THE MATTER
OF THE LAW SOCIETY ACT.

WHEREAS it has been certified by the Secretary of the Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 18th day of June, 1970, suspend the said Barrister-at-Law for a period of three months from the 18th day of June, 1970.

THEREFORE this Court doth Order that the said HECTOR MANSFIELD HOWELL be suspended from practice as a Barrister and Solicitor for a period of three months from the 18th day of June, 1970.

Entered at Toronto
Recorded
on Film No. 208
as Document No. 796
on Jun 18 1970 E.McB.

"M. R. Elliott
Assistant Registrar
Supreme Court of Ontario.

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF The Law Society Act
AND IN THE MATTER OF RICHARD PIKNA
a Barrister-at-Law and one of the Solicitors
of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 14th day of August, 1970, disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said Richard Pikna be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 14th day of August, 1970.

Entered at Toronto
Recorded
on Film No. 211
as Document No. 1110
on Aug 14 1970. V.G.

"Gordon F. Beddis, per A.B.
Registrar,
Supreme Court of Ontario

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF THE LAW SOCIETY ACT
AND IN THE MATTER OF MANNING F. SWARTZ,
a Barrister-at-Law and one of the Solicitors
of the Supreme Court of Ontario.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 14th day of August, 1970, disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said MANNING F. SWARTZ be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 14th day of August, 1970.

Entered at Toronto
Recorded
on Film No. 211
as Document No. 1109
on Aug. 14 1970 V.G.

"Gordon F. Beddis" per A.B.
Registrar,
The Supreme Court of Ontario

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 10th day of September, 1970, at 9:15 o'clock in the morning the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Bowlby, Estey, Evans, Ford, Goodman, MacKinnon, O'Driscoll, Sedgwick, Slemin and Strauss.

1. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

In March of 1969, Convocation approved the recommendation of your Committee that Ruling 16, which deals with Directories, Announcements and Professional Cards, be amended. One of the changes made at that time was the deletion of a provision for professional cards to include biographical data. Because of this deletion a question has arisen whether inclusion of biographical data in publications such as Martindale-Hubbell is not now prohibited. Your Committee does not consider Ruling 16, as amended, to prohibit the publication of biographical detail in Law Lists but such detail should not contain information that would offend any other Rule of Professional Conduct.

2. SPECIAL COMMITTEE ON ACTIVITIES OF STUDENTS-AT-LAW

Your Committee was referred to the Report of the Special Committee on "Activities of Students at Law" which was adopted by Convocation at its November 15th, 1968, meeting. Your Committee recommends that the permitted role of the articling student-at-law be published in the *Ontario Reports* as soon as it is possible after the new Law Society Act has been proclaimed.

3. PROBLEMS IN CRIMINAL LAW

Your Committee recommends that a Sub-Committee be appointed, composed of Mr. Arthur Maloney, as Chairman, and Messrs. Bowlby, Dubin, O'Driscoll, Robinette, Sedgwick and Strauss, to provide advice in connection with ethical problems arising out of the conduct of criminal cases and to encourage lawyers to avail themselves of this service when confronted by difficult ethical problems.

The establishing of this Sub-Committee has the further objective to make advice speedily available in urgent situations by affording the profession the opportunity of applying to the Secretary and enabling the Secretary to contact one or more members of the Sub-Committee for an opinion. It is contemplated that where an opinion is given by the Sub-Committee or a member thereof, it will be reported to the Committee.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 10th day of September, 1970, the following members being present: Mr. Ford, Acting Chairman, Messrs. Strauss and Cassels and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 30th June, 1970, were before your Committee and were all in order.

DONATIONS

The Honourable J. L. Wilson, Justice of the High Court of Ontario, has donated a number of Reports of the High Court of Justice of Cyprus, the Supreme Constitutional Court and the Supreme Court of Cyprus.

The Unemployment Insurance Commission of Canada, through its Regional Legal Counsel, Mr. C. L. R. Gray, presented a complete set of the Decisions of the Umpire (Benefit) on Appeals and Digest of Entitlement Determination comprising 14 volumes, a Digest volume and a Summary volume, and has arranged to maintain the Decisions of the Umpire on a continuing basis. Mr. Gray personally attended at the Society's offices to make this presentation to the Society and it was accepted on behalf of the Society by Mr. Gordon W. Ford, the Vice-Chairman of your Committee.

RENOVATIONS AND EXTENSIONS — GREAT LIBRARY

Plans for the re-organization of space in the Great Library which will result from the renovations and extensions presently taking place are under way and will continue.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 10th day of September, 1970, the following members being present: Mr. Strauss, Chairman, Mr. Lochead, Vice-Chairman, and Messrs. Bowlby, Fennell and Henderson.

A file concerning a Notary Public acting on an estate was referred to Counsel for opinion.

The use by the Ontario Motor League on their correspondence of the description "Legal and Accident Claims Department" was also referred to Counsel for opinion.

The Special Committee on Notaries Public is meeting with the Attorney-General next Thursday, 17th September, 1970, to discuss this whole subject.

THE REPORT WAS RECEIVED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 10th day of September, 1970, the following members being present: Mr. Henderson, Chairman, and Messrs. Evans and Lochead.

Your Committee had before it a letter from Mr. Brian Bucknall which had been referred to it by Convocation on August 14th. After giving careful consideration to Mr. Bucknall's suggestions your Committee recommends that the matter be considered further on the basis that the content of the proposed book would be acceptable to both parties and that the Society's records would be adequately protected.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

In the Matter of The Law Society Act
And in the Matter of Samuel Ciglen, of the
City of Toronto, a Barrister and Solicitor.

As a result of a conviction under Section 132 of the Income Tax Act, Ch. 148, R.S.C. 1952, Notice of Complaint was served upon the Solicitor. The Notice of Complaint as issued and served on the Solicitor contained the following specific complaint:

> "Take Notice that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you were convicted at the City of Toronto, in the County of York by the Court of Appeal for Ontario, on the 7th day of January 1969 of the following offence:
>
> > "That during the years 1955, 1956 and 1957, at the said Municipality of Metropolitan Toronto, and at other divers places did, unlawfully, conspire together, the one with the other and with Torny Financial Corporation Ltd., Compania de Inversiones Amcub, S.A., otherwise known as Amcub Investment Company Incorporated, Ontario Cobalt Mines Limited, Glenrich Uranium Mines Limited, Albontec Development Company Limited and Americana Trading Company Limited and with persons unknown or with someone or more of them, to wilfully evade payment of taxes imposed on the said Samuel Ciglen and the said Morris Black by the Income Tax Act, R.S.C. 1952, c. 148, by suppressing taxable income of the said Samuel Ciglen and the said Morris Black, being taxable income of the said Samuel Ciglen and the said Morris Black from the sale of common shares of Great Sweet Grass Oils Limited and Kroy Oils Limited for the taxation year 1956, in violation of s. 132(1)(d) of the said Act, contrary to s. 132(1)(e) of the said Act."
>
> and the following punishment was imposed upon you; namely, that you be imprisoned in Kingston Penitentiary for a period of two years; and that on Appeal to the Supreme Court of Canada, the said Appeal was dismissed on the 20th of March 1970."

The Notice of Complaint was returnable on April 14th, 1970, before the Committee composed of Mr. P. B. C. Pepper, Chairman, and Messrs. Estey and P. D. Wilson. At the request of counsel for the Solicitor, without evidence being taken, the hearing adjourned until May 14th, 1970. On that date, the Committee composed of Messrs. Goodman, Pepper and Thom, at the request of counsel for the Solicitor, without evidence being taken, adjourned the hearing to June 15th, 1970, when the matter came on to be heard.

Mr. Douglas H. Lissaman, Q.C., appeared on behalf of the Society on each of the above times, and Mr. William J. Smith, Q.C., appeared on behalf of the Solicitor at such times.

Your Committee, composed of Mr. Gordon F. Henderson, Chairman, and Messrs. John D. Bowlby, Walter E. Harris and George H. Lochead, met on June 15th and June 16th, 1970, and heard evidence and submissions made by counsel for the Solicitor and counsel for the Law Society.

Mr. Lissaman filed with the Committee evidence establishing the conviction as well as reasons for judgment of the Court of Appeal for Ontario dated December 20th, 1968, and reasons for sentence dated January 7th, 1969. Mr. Lissaman also filed with the Committee the reasons for judgment of the Supreme Court of Canada affirming the judgment of the Court of Appeal of Ontario and affirming the conviction of the Solicitor under Section 132 of the Income Tax Act. Counsel for the Society did not call any witnesses and relied on the abovementioned documentary evidence.

Mr. Smith, on behalf of the Solicitor, called the Solicitor, his nephew Garry Ciglen, who was the accountant for Torny, as well as several character witnesses.

The charge on which the accused was convicted was one of conspiracy to wilfully evade the payment of taxes by suppressing taxable income of $302,029.79 flowing from the sale of the 620,000 shares of Kroy Oils Limited.

Although we have given consideration to the explanation of the Solicitor as to the nature of crime in the circumstances, and particularly to evidence denying false entries and the rewriting of books, we consider that the fact of conviction of the particular crime in this case and the primary findings of the trial judge as to the relationship of the Solicitor and Torny establish the complaint and justify disciplinary action.

Having regard to the fact that the nature of the crime is one which requires a deliberate act, we have unanimously reached the conclusion that the Solicitor has been guilty of professional misconduct in that the activity of the Solicitor is one which would be considered dishonourable or disgraceful by members of his profession of repute and competency.

In any event, even if the activity of the Solicitor were unrelated to a solicitor-client relationship, it is our opinion that the conduct as described by the Court of Appeal and by Mr. Justice Spence would constitute conduct unbecoming to a solicitor in that it brings the Solicitor and the profession into disrepute.

We consider the complaint to be established.

The Committee is unanimous in finding the Solicitor guilty of professional misconduct and conduct unbecoming a barrister or solicitor, and that disciplinary action be taken, but we are not unanimous in relation to the recommendation as to the appropriate sanction in all the circumstances of this case.

The majority of your Committee recommends that the Solicitor be suspended for a period of three years or two years from his release from prison, whichever is the longer. This majority of your Committee also recommends that the Solicitor be required to pay the costs of the Society's investigation of his affairs.

Moved by Mr. Evans, seconded by Mr. Henderson, that the Report be adopted.

The Solicitor and his Counsel attended, and Mr. Smith made submissions. He asked that the recommended penalty of suspension be reduced so that the suspension would end coincident with the termination of the Solicitor's prison sentence.

The Solicitor and his Counsel retired.

Moved by Mr. Sheard, seconded by Mr. Lochead, that the recommended penalty be amended to disbarment.

The Solicitor and his Counsel returned, were advised of the motion and asked if they were ready to proceed. They retired to confer and upon their return Mr. Smith requested an adjournment for at least two weeks. He expressed the view that if the adjournment be granted, when the matter should come before Convocation again the full Convocation could properly deal with it including those who might be present then who were not present on the first occasion. He was also of the view that the Report should be re-read at that time.

Moved by Mr. Lochead, seconded by Mr. O'Driscoll, that the matter be adjourned to the regular Convocation in October.

Carried

Convocation adjourned at 12:30 for luncheon.

The Treasurer and Benchers entertained as their special guests at luncheon Mr. Elmore Houser, Q.C., and Mr. Eric Murray, Q.C., President, The Lawyers Club.

Convocation resumed at 2:25 p.m., a quorum being present.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Area Directors' Meeting

On May 20th and 21st, 1970, a meeting was held with the Area Directors to discuss, develop and review problems relating to the general administration of the Ontario Legal Aid Plan and to consider proposals to solve such problems.

Mr. Thomas P. Callon, Chairman, and Messrs. Beament and Caldbick attended the meeting.

Four work-shop groups were appointed to review and comment on specific problems. A chairman was appointed for each group to report the Area Directors' recommendations.

It was impossible to complete the work-shop group reports at this meeting. The Chairman of the Legal Aid Programme Committee requested that the four Chairman be invited to attend a special meeting with the Programme Committee to discuss in depth the recommended proposals developed by the Area Directors.

SPECIAL MEETING OF AREA DIRECTORS (CHAIRMAN OF FOUR WORK-SHOP GROUPS)

On Saturday, June 13th, 1970, the Chairman and G. E. Beament, Q.C., met with the four Chairmen of the work-shop groups:

W. R. Donkin, Associate Area Director, York County.

B. B. Trembley, Q.C., Area Director, Thunder Bay District.

D. J. Warner, Area Director, Victoria & Haliburton Counties.

Peter Stuart, Q.C., Area Director, Muskoka District.

THE REPORT WAS RECEIVED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Saturday, the 20th day of June, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Lyle S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies.

The following were present by invitation:

Representing Osgoode Hall Law School, York University: Professor Stephen Borins, Professor W. Neilson, Larry Taman, Ian McDougall, Ross Davis, Michael Miller.

Representing Queen's University: Professor S. Ryan, Harry Clarke, Michael Pichet, Peter Kemp, Dennis Latham.

Representing University of Toronto: Professor A. Oosterhoff, Professor B. Green, Jonathan Guss, Paul Montgomery.

Mr. F. J. Cornish, Q.C., Area Director, York County, also attended the meeting.

During the academic year 1969-70 Student Legal Aid Societies were established under the Regulation to the Legal Aid Act, at the University of Toronto, Queen's, Western and Osgoode. The Legal Aid Programme Committee was of the opinion that a meeting with the persons chiefly concerned with the administration of such societies would be appropriate to discuss, in a general way, the operation and function of Student Legal Aid. At the request of the Chairman, the Director, therefore, invited the Deans and the Administrators of the Student Legal Aid Societies to meet with the Committee on Saturday, June 20th, 1970.

The following topics were discussed:

1. *Supervision and Control*

Representatives from Osgoode Hall Law School, York University, reported that their legal aid society is carefully supervised by a professor who is responsible for the programme. The students who participate in the project are carefully selected and are subject to an extensive orientation period of six weeks with lectures, seminars and group meetings on topics ranging from the techniques of interviewing clients to the solicitor-client privilege. The lectures are presented by staff professors and practising members of the Bar.

The Osgoode Student Legal Aid Programme is divided into various classes of legal action. Each project has a Chairman and a third year student who acts as supervisor. The supervisor is responsible for delegating the cases to students who are capable of handling them.

The University of Toronto and Queen's University agreed that it is essential to have proper supervision and control of student legal aid societies.

2. *Community Law School Projects*

The Administrators of the Student Legal Aid Societies expressed great interest in developing community law school projects. They were of the view that students should be given an opportunity to establish clinics in the poorer areas of urban centres so that the students are exposed to the kind of problem that exists in such areas. In a limited way, the students would thus provide legal aid to the chronic poor, so benefitting the community and at the same time they would combine practical experience with their academic learning.

Osgoode Hall Law School has several community law school projects which are outside the term of reference of the student legal aid programme. These projects are numerous and divided to accommodate the interest of the students.

The University of Toronto also has a student community project.

The Chairman informed the law school administrators that close communication with the Legal Aid Programme Committee and the Law Society would be of assistance in guiding them with respect to student legal aid community projects.

3. *Second-Year Students*

Section 78 of the Legal Aid Regulation provides that only third-year law students may appear in court. The section reads as follows:

> "78. A law student who has successfully completed two years of his law course and is a member of its legal aid society, may, with the approval of his dean, represent and appear on behalf of a person who has been referred to such society by an area director, provided he has the consent of such person and is entitled in law so to appear."

It was the unanimous recommendation of the representatives of the Student Legal Aid Societies that the Regulation be amended to provide for second-year law students who are members of a student legal aid society, with the approval of the Dean, to represent and appear in court on behalf of a person who has been referred to such by an area director, provided he has the consent of such person and is entitled in law so to appear.

It was proposed that criteria be developed as to the selection of a second-year student who could, in fact, appear in court.

4. *Relationship to Unauthorized Practice*

The representatives expressed concern that there is a great need to develop student practice rules which would set out in clear terms what students can and cannot do on behalf of a client.

The Chairman informed the representatives that the Law Society had prepared a report (which had been approved by Convocation) defining the services an articled student should, in fact, be able to perform. It was proposed in the report that when the new Law Society Act was passed by the Legislature, the report would be incorporated into the new Regulation.

5. *Meetings with the Legal Aid Programme Committee*

The Chairman suggested to the Administrators of the student societies that, in the same way that the Law Society meets with the Presidents of the county and district law associations, the Law Society should also meet with the administrators of the student legal aid programmes and that such meetings be held at the beginning and end of the school year.

6. *Financing of Student Legal Aid Societies*

After a discussion of the financial problems encountered by the student legal aid societies, the Chairman suggested that the societies approach the Director for financial aid. The Director, in turn, would place the request before the Legal Aid Programme Committee.

THE REPORT WAS RECEIVED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 12th day of August, 1970, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Cass, Estey, Gray, Killeen, Levinter, Lochead, O'Driscoll, Poole and Robins.

DIRECTOR'S REPORT

The Director's report indicates that for the three months ending June 30, 1970, the Plan expended approximately $680,000 more than had been anticipated in the approved estimates.

This excess expenditure is accounted for as follows:

Duty Counsel fees and disbursements	$ 32,000
Criminal legal aid fees and disbursements	334,000
Civil legal aid fees and disbursements	303,000
Legal advice	6,000
Administrative costs	5,000
	$680,000

In addition, the Plan is running $13,000 behind on anticipated contributions and client recoveries.

The significant increase in civil fees is due to the increased number of solicitors' civil accounts being processed. The increase in criminal fees may be a reflection of the increased crime rate plus the fact that the average cost of a criminal case is now $186 compared with $178 for the first quarter of the last fiscal year.

Should this rate of expenditure continue throughout the remainder of this fiscal year, the total cost of the Legal Aid Plan might well reach $10.5 million as against the approved estimate of $8.16 million.

The Chairman was of the opinion that the Attorney-General should be advised of this trend over and above the monthly statistical report he is given.

The Chairman requested the Controller to prepare a summary, with graphs, of the situation for the next meeting of the Committee, the summary to go back to the beginning of the last fiscal year. The summary would show the increase in divorce certificates and the increase in cost of civil and criminal certificates.

The material should be forwarded to the Committee prior to the September meeting.

CONTROLLER'S REPORT

(a) The Assistant Controller submitted a Summary of Applications for the two months ended May 31st, 1970.

(b) The Assistant Controller submitted a Summary of Applications for the three months ended June 30th, 1970.

The Controller makes the following comments with respect to this report:

A total of 25,363 persons applied at legal aid offices compared with 20,014 in the same period last year (increase of 27%). Of these, 9,439 received legal advice or were directed to other social agencies, leaving a total of 15,924 formal applications processed (last year 12,461 — an increase of 28%).

Of the formal applications processed, 11.4% were refused compared with a refusal rate of 14.2% the previous year.

Certificates issued: Certificates issued totalled 13,568 compared with 10,289 in the corresponding period last year (increase of 32%). Of these certificates issued, 89% were non-contributing compared with 87% non-contributing the previous year.

Persons assisted by Duty Counsel — 22,533 persons were assisted by Duty Counsel compared with a total of 18,836 last year (increase of 20%). The increase pertains exclusively to criminal Duty Counsel.

In summary it can be said that the overall level of legal aid activity shows a significant increase when compared with the first three months of the last fiscal year. It is suggested that the increase may be caused by economic conditions and an increased crime rate.

(c) The Assistant Controller submitted recommendations as to the writing off of client recoveries pursuant to Section 98(2) of the Regulation.

Your Committee moved that the write-offs of client recoveries be approved with the exception of three clients on whom the Committee requested further financial information.

(d) The Assistant Controller submitted recommendations as to the writing off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

Your Committee moved that the write-offs of balances owing by contributing clients pursuant to Section 98(2) of the Regulation be approved as submitted.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Assistant Controller submitted a report on the activity of the Legal Accounts Department for three months ended June 30, 1970.

(b) The Assistant Controller submitted a report on the activity of the Legal Accounts Department for three months ended July 31, 1970.

(c) The Legal Accounts Officer submitted a report for the month of June, 1970, with respect to reviews and appeals.

(d) The Legal Accounts Officer submitted a report for the month of July, 1970, with respect to reviews and appeals.

(e) Your Committee reported to Convocation in May, 1970, that it had approved the publication in the *Ontario Reports* of the following notice with respect to solicitors billing legal aid for photocopying:

> "PHOTOCOPYING"
>
> To establish uniformity in allowing proper disbursements for photocopying, on the recommendation of the Legal Aid Programme Committee, Convocation has adopted the following policy:
>
> > Photocopying as a disbursement on legal aid accounts will be allowed for reproduction of material in preparation of Appeal Books, evidence and exhibits, but not for reproduction of documentation generally in the class of pleadings and documents customarily typed in normal office practice. The request for pay-

> ment on photocopying disbursements must indicate in sufficient detail the material which was reproduced; failing which no allowance will be made. A charge of ten cents per folio or page will be the maximum allowed for photocopying."

The Committee reviewed correspondence from two solicitors who objected to the charge of ten cents per page for photocopying. Both solicitors suggested that a more appropriate charge would be 15¢ per page.

Your Committee moved that this matter stand for the time being and that the solicitors be advised that their requests are being considered.

EXEMPTION FROM SECTION 71 OF THE REGULATION (DUTY COUNSEL)

On January 12th, 1969, the Committee approved an exemption from Section 71 of the Regulation for the whole of the County of Lambton.

Section 71 reads as follows:

> "Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to section 72, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel."

R. Wyrzykowski, Area Director, Lambton County, wrote the Director on July 10th last advising that the situation had now altered; that his Area Committee passed the following resolution which details the specific areas that require exemption:

> "It was moved, seconded and carried unanimously that the Area Director should write the Provincial Director for referral to the Legal Aid Programme Committee that the exemption which was obtained by Lambton County in the communication to the Area Director of January 16, 1968 by the Director be removed for the Provincial Courts in Sarnia but that the exemption be retained for the Provincial Courts sitting at Forest, Grand Bend, Petrolia and Sombra. Carried unanimously."

Your Committee concurred with the recommendation that the exemption be removed with respect to the Provincial Courts in Sarnia and were of the opinion that the Area Director and the Area Committee had acted most conscientiously in making this recommendation.

PART VII OF THE REGULATION — PAYMENT OF COSTS

Your Committee considered two applications for payment of costs under Part VII of the Regulation which were refused.

SUBCOMMITTEE TO REVIEW THE LEGAL AID TARIFFS

On February 11th last, your Committee recommended that a subcommittee be appointed by the Chairman to review the tariffs, to review the principles involved in the tariffs and the rules inherent in the Act and Regulation as they affect the tariffs.

The Chairman has appointed the following members to the subcommittee:

W. Gibson Gray, Q.C., Chairman, and Messrs. Estey, Killeen, Lochead and Poole.

CORRESPONDENCE

(a) M. J. Wheldrake, Solicitor, wrote the Director commenting on Section 17(3) of the Legal Aid Act, 1966, which imposes a charge on property of the person who has been given legal aid. Mr. Wheldrake commented: "If this charge attaches to real property, then it would appear to be necessary to obtain from the Law Society a letter of clearance prior to closing any real estate transaction".

Your Committee was of the opinion that Section 17(3) may need amendment.

The matter was referred to the Sub-Committee on Amendments to determine whether or not there is a problem as outlined in Mr. Wheldrake's correspondence.

The Director was instructed to advise the solicitor that the matter has been referred to the Sub-Committee on Amendments.

(b) Your Committee considered correspondence from W. R. Donkin, Associate Area Director, York County, enclosing a letter from Kenneth Tepper, Solicitor, who suggested that it may be helpful to let an accused person know where Duty Counsel is by placing a cardboard sign on his desk.

The Committee approved the suggestion that the Associate Area Director might experiment with a conservative sign in one or two courtrooms to be placed on the table where Duty Counsel sits.

(c) R. D. Tafel, Area Director, Nipissing District, wrote the Director suggesting that the Nipissing Area Committee be re-constituted. The Nipissing District Area Committee, since its inception, has been composed of five members of the local Bar.

Your Committee asked the Director to write to Mr. Tafel and emphasize the importance of continuity and the desirability of retaining as many experienced Committee members as is possible. The Director should also suggest that one or two representatives from the community could be appointed.

PUBLIC RELATIONS

(a) Ernest A. Fox, Solicitor, London, wrote the Controller recommending that a newsletter to the profession be initiated by the administrators of the Legal Aid Plan to encourage understanding and support of the Plan ". . . particularly if there were room for comments by practising solicitors or a 'Letters to the Editor' section."

The Director was instructed to write the solicitor thanking him and informing him that the Committee would consider his suggestion.

(b) W. R. Donkin, Associate Area Director, York County, wrote the Director recommending that the Committee authorize the publication of an advertisement in the *Ontario Reports* reminding the profession that a Legal Aid Remembrancer has been prepared and is published at page 657 of Chitty's Ontario Annual Practice, 1970.

Your Committee was of the opinion that the publication of such an advertisement should be done by the publishers of Chitty's Annual Practice and requested the Director to communicate with them.

STUDENT LEGAL AID SOCIETIES

The Committee reviewed correspondence from Dean Daniel A. Soberman, Queen's University, addressed to the Chairman, wherein Dean Soberman requested a contribution from the Law Society to assist in the administration of their Student Legal Aid Society.

Your Committee referred this matter to L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, the Director and the Controller, requesting them to review and bring their recommendations to the Committee.

It was noted that the Plan must have the concurrence of the Attorney-General with respect to financial contributions to Student Legal Aid Societies.

AMENDMENT TO SECTION 17 OF THE LEGAL AID ACT — LIENS

Your Committee considered a memorandum of instructions prepared by Mrs. A. C. R. Rosenthal, Assistant Provincial Director, with respect to the new amendment to Section 17 of the Act on the taking of liens by the Law Society, for distribution to Area Directors.

The Committee was of the opinion that this important matter should be held over for further discussion at the September meeting. The Assistant Provincial Director was instructed to forward temporary instructions to the Area Directors with respect to the procedures under the legislation and to circulate to the Committee a memorandum to be reviewed at the September meeting.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Norfolk County

Franklin M. Reid, Solicitor, Simcoe.
Jared E. Tisdale, Solicitor, Simcoe.

Perth County

Charles Dyke, Sheriff, Stratford.

Rainy River District

Theo Wolder, Solicitor, Fort Frances.
William Bradley, Solicitor, Fort Frances.

Resignations:

Norfolk County
Robert Hamilton, Q.C.
John D. Kapusta, Solicitor.

Wellington County
R. F. Chaloner, Crown Attorney.
Roy M. Grant, Q.C.

Wentworth County
Harvey McCulloch, Q.C.

John Lisson, Employees Relations Supervisor, Steel Company of Canada.

Rainy River District

Douglas Sleeman, Solicitor.

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 9th day of September, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Beament, Fairbairn, Ford, Lochead, O'Driscoll, Levinter and Robins.

1971-72 BUDGET

The Controller submitted, in accordance with the Minutes of Understanding existing between the government and the Law Society of Upper Canada, the budget for the fiscal year 1971-72.

It should be noted that a significant aspect with regard to the total estimated legal aid fees and disbursements to be paid during 1971-72 is that of the total fees and disbursements (excluding duty counsel payments) some 13.5% or $1.23 million will be payments in respect of disbursements incurred by solicitors. It is estimated that at least 60% of all disbursements are of a statutory nature in the form of writs, searches and payments for Official Guardian reports, etc., and to this extent the legal aid disbursement bill is largely a transfer of money from one pocket to another within the government's financial system. For example, the Fund expects to make total payments of $225,000 in respect of reports of the Official Guardian in divorce matters.

DIRECTOR'S REPORT

The Director submitted a Report pursuant to Section 95(2) of the Regulation for the month of July, 1970.

This report shows that for the four months ended July 31, 1970, the Legal Aid Plan has expended a total of $3,703,511 compared with an estimated expenditure for that same period of $2,924,000. During this same four-month period the Legal Aid Plan received a total of $91,946 in contributions from clients as compared with an estimated receipt of $133,000. On the other hand a total of $99,297 was received in respect of clients recoveries compared with an estimated receipt of $71,000.

Should net expenditure continue at this same rate for the remainder of this fiscal year, then the total cost of the Plan for 1970-71 would exceed the budgeted cost by approximately $2 million.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the four months ended July 31, 1970.

The Controller's Report can best be summarized by comparing legal aid activity for the four months ended July 31, 1970, with activity for the corresponding period in 1969 as follows:

	4 months to July 31/70	*4 months to July 31/69*	*% increase*
Informal Applications	13,072	9,894	32.0
Forms 2 Received	21,880	16,216	35.0
Certificates issued	18,536	13,191	40.5
Persons assisted by Duty Counsel	30,116	25,750	17.0

(b) The Controller submitted recommendations as to the writing off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation and the Committee moved that all balances as set out in a separate schedule be written off.

(c) Your Committee approved the following lease which had been reviewed and approved by John D. Honsberger, Q.C., on behalf of the Law Society:

County of Huron — 67 North Street, Goderich

one year — April 1, 1970 ($960 payable @ $80 per month)

THE LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a Report on the activity of the Legal Accounts Department for the three months ended August, 1970.

(b) The Legal Accounts Officer submitted a Report for the month of August, 1970, with respect to reviews and appeals.

STUDENT LEGAL AID SOCIETIES

At its August meeting, your Committee reviewed correspondence from Dean Soberman, Faculty of Law, Queen's University, wherein he requested financial assistance from the Legal Aid Fund to assist the Student Legal Aid Society of Queen's University.

The Committee approved the granting of some financial assistance to duly approved Legal Aid societies and recommended that the 1971-72 budget cover such an expenditure. It was further recommended that Lyle S. Fairbairn be appointed Chairman of a sub-committee to consider and suggest how the student Legal Aid societies should be financially assisted.

AUDITOR'S REPORT

The Committee reviewed a report on the Audit for the year ended March 31, 1970, of the Legal Aid Fund.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

Your Committee met on Thursday, the 10th day of September, 1970, the following members being present: Mr. Pepper, Chairman, and Messrs. Cassels and Sheard.

Your Committee had before it four applications.

The Committee recommends that a grant of $1,000 each be made forthwith to two of the applicants and that a grant of $500 be made forthwith to the third applicant. In the case of the fourth applicant an interim payment has been made of $300 and the Committee recommends that a further payment of $700 be made forthwith.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer read a letter dated September 15, 1970, from Mr. F. Gordon Beddis, Registrar, S.C.O., and Secretary of the Rules Committee.

Mr. Beddis enclosed in his letter a copy of the Notice to the Profession issued by the Rules Committee urging members of the Profession to submit to the Rules Committee any suggestions they may have from time to time for amendments to the Rules of Practice. Mr. Beddis said that he was writing to the Treasurer at the suggestion of The Chief Justice of Ontario to draw to the attention of the Benchers the recent action of the Rules Committee.

The Treasurer read a letter dated September 17, 1970, from Mr. William A. Attwells, Chairman, Programme Committee, The Institute of Law Clerks of Ontario, advising of their plans for Fall and Winter Meetings, and asking the Benchers of the Law Society to participate in a Panel Discussion at a meeting on December 9, 1970.

Convocation was in favour of Benchers participating in the Panel Discussion and ordered that the letter be referred to the Chairman of the Public Relations Committee for attention.

CONVOCATION THEN ROSE.

Read in Convocation and Confirmed this 16th day of October, 1970.

G. ARTHUR MARTIN,
Treasurer.

MINUTES OF CONVOCATION

Friday, 16th October 1970
10 a.m.

PRESENT:

The Treasurer (G. A. Martin, Q.C.) and Messrs. Beament, Callon, Cass, Cassels, Evans, Ford, Gray, Henderson, Howland, Lochead, Maloney, MacKinnon, McLaughlin, O'Driscoll, Pattillo, Pepper, Raney, Robinette, Robins, Sheard, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of the 18th September 1970 were read and confirmed.

The Treasurer said that Dr. Harold G. Fox, Q.C., had died on September 30th, 1970. Dr. Fox had rendered distinguished service to the Society and was a lawyer of international stature in the field of Trade Mark, Copyright and Patent Law. Mr. Seymour had represented the Society at the funeral services held for Dr. Fox in St. Catharines, and Mr. Pepper had represented the Society at the interment services in Toronto. The Society had sent flowers and the Treasurer had written to Mrs. Fox extending to her the deepest sympathy of the Benchers and himself on her bereavement.

The Treasurer said that the Bench was saddened by the death of A. Kelso Roberts, Q.C., on October 8th, 1970. Mr. Roberts was an ex officio Bencher by virtue of his having held the office of Attorney-General of the Province. He had continued to make a valuable contribution as a Bencher despite his illness. Mr. Sedgwick had represented the Society at the funeral services. The Society had sent flowers and the Treasurer had written to Mrs. Roberts extending to her the deepest sympathy of the Benchers and himself on her bereavement.

Election of Bencher

Mr. George Duncan Finlayson, Q.C., was elected a Bencher of the Law Society.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 8th day of October, 1970, at 2:30 p.m., the following members being present: Mr. Robins, Chairman, Messrs. Callon, Cass, Estey, Pattillo, Sheard and Thom.

Bar Admission Course Faculty

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course:

Civil Procedure I

B. A. Kelsey, Esq., to be appointed as Instructor in place of J. L. Chercover, Esq., resigned.

P. S. Lamek, Esq., to be appointed an Instructor in place of M. A. Catzman, Esq., on leave of absence.

P. F. M. Jones, Esq., to be appointed an Instructor in place of J. J. Carthy, Esq., resigned.

B. H. Wheatley, Esq., to be appointed an Instructor.

S. Sadinsky, Esq., to be appointed an Instructor in place of J. Sopinka, Esq., resigned.

T. H. Wickett, Esq., to be appointed an Instructor in place of F. H. Zemans, Esq., resigned.

A. E. Charlton, Esq., to be appointed an Instructor in place of C. E. Evans, Esq., resigned.

I. G. Gillanders, Esq., to be appointed a Stand-by Instructor in place of P. F. M. Jones, Esq., promoted to Instructor.

D. J. M. Brown, Esq., to be appointed a Stand-by Instructor in place of P. S. Lamek, Esq., promoted to Instructor.

S. N. Lederman, Esq., to be appointed a Stand-by Instructor in place of S. Sadinsky, Esq., promoted to Instructor.

J. M. Roland, Esq., to be appointed a Stand-by Instructor in place of B. H. Wheatley, Esq., promoted to Instructor.

Civil Procedure II

A. J. Davidson, Esq., Q.C., to be appointed an Instructor in place of J. C. Carson, Esq., resigned.

G. W. Glass, Esq., to be appointed an Instructor.

A. B. Doran, Esq., to be appointed a Stand-by Instructor in place of G. W. Glass, Esq., promoted to Instructor.
L. H. Mandel, Esq., to be appointed a Stand-by Instructor.

Creditors' Rights and Bankruptcy

N. A. Endicott, Esq., to be appointed an Instructor.
M. M. Steidman, Esq., to be appointed an Instructor.
D. J. Brown, Esq., to be appointed a Stand-by Instructor.
G. I. Ferguson, Esq., to be appointed a Stand-by Instructor.
L. S. Crackover, Esq., to be appointed a Stand-by Instructor.

Estate Planning

M. G. Gross, Esq., to be appointed an Instructor in place of A. R. A. Scace, Esq., who has been appointed a Special Lecturer in place of M. B. Jameson, Esq., Q.C., resigned.
B. A. Spiegel, Esq., to be appointed an Instructor.
T. A. Sweeney, Esq., to be appointed an Instructor.
L. G. Budd, Esq., to be appointed a Stand-by Instructor in place of M. G. Gross, Esq., promoted to Instructor.
J. D. Simmons, Esq., to be appointed a Stand-by Instructor in place of B. A. Spiegel, Esq., promoted to Instructor.
S. Taube, Esq., to be appointed a Stand-by Instructor in place of T. A. Sweeney, Esq., promoted to Instructor.
W. S. Green, Esq., to be appointed a Stand-by Instructor.
H. L. E. White, Esq., to be appointed a Stand-by Instructor.

Approved

EMPLOYMENT OF STUDENTS DURING THE TEACHING TERM

The following memorandum is submitted by the Director:

> "It has come to our attention that there is a growing practice encouraged by the law firms to employ students on a part-time basis throughout the teaching term. Our regulations permit work at law offices or elsewhere in evenings and on weekends. Apparently this restriction is not being observed and the employment extends to other hours.
>
> We have no way of knowing how widespread this situation is, but one estimate has as many as 60 per cent of the students on these part-time endeavours.
>
> The attitude of the firms is influenced by their policy of making regular weekly payments throughout the teaching term to students they intend to employ full-time upon graduation. It appears that they forget that the purpose of the payment is simply to 'hold' the student and look to a *quid pro quo* in terms of service.

> It might also be said that the firms either do not know or choose to ignore the regulations.
>
> I suggest that the question of policing the regulation be discussed by the Committee with a view to giving us instructions."

Your Committee recommends that principals be advised that students in the teaching period of the Bar Admission Course are not permitted and should not be required to work in law offices except in the evenings and at week-ends.

IVAN CLEVELAND RAND SCHOLARSHIP

On September 8th, 1970, Dean Le Dain of Osgoode Hall Law School of York University wrote to advise the Society that the Ivan Cleveland Rand Scholarship for the 1969/70 academic year was awarded to Mr. J. D. A. Jackson. *Noted*

TELEVISION FOR BAR ADMISSION COURSE

The Director submits a memorandum that a permanent installation of a basic closed-circuit television system consisting of viewing monitors and sound connections in each of the two large classrooms and a camera in the lower classroom is required.

Your Committee recommends that the Director and Mr. Estey be appointed a sub-committee with power to act and to spend a sum not in excess of $20,000.

THE REPORT WAS ADOPTED.

ADMISSIONS COURSE—Mr. Thom

Your Committee met on Thursday, the 8th day of October, 1970, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Callon, Lochead, Pattillo, Robins and Sheard.

UNITED STATES OF AMERICA TRANSFER

Joseph J. Pietroski (B.A. Catholic University of America, Washington D.C.; J.D. degree Western Reserve University School of Law, Cleveland, Ohio) was admitted to the Bar of the State of Ohio November 1, 1965. He was in practice in Cleveland from time of admission until February, 1967, when he was employed by an insurance company in Canada as a lawyer in its Legal Department in Toronto to advise the company on U.S. legal matters involving the company's operations in the United States. Mr. Pietroski states that essentially he is performing for the company the same function that would be performed by him were he physically located in the United States. His work day is entirely devoted to United States law. He attends at Continuing Legal Education in the United States and other similar conferences identical in nature to that engaged in by him prior to coming to Canada and which is typical of any lawyer employed in the legal department of any U.S. corporation. Mr. Pietroski asks, assuming he continues his present employment until November 1, 1970, if the five-year period since his admission would qualify as the five years of practice as required in Regulation 10(c). He seeks to proceed under that Regulation.

Your Committee recommends he be advised that he cannot comply with the Society's Regulations but that he be told that he will be advised if the Society's Regulations should be changed.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law of approved Universities, ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Assistant Professor C. T. Asplund, B.A., Brigham Young University at Provo, Utah, LL.B. Law School of Harvard University. Called to the Bar in Alberta in July 1964. Queen's University.

Assistant Professor Philip Anisman, B.A., LL.B., University of Western Ontario.

Associate Professor John Hogarth, B.A., LL.B., Dip. of Crim., Ph.D. (Cambridge) Osgoode Hall Law School of York University.

Associate Dean and Associate Professor Peter Allan Cumming, B.A., LL.B., LL.M. (Harvard) Called to the Bar in Manitoba in 1963. Osgoode Hall Law School of York University.

Associate Professor Jeffrey Lionel Jowell, B.A., LL.B. (Cape Town) M.A. (Oxford), LL.M. (Harvard), Barrister-at-Law of the Middle Temple. Osgoode Hall Law School of York University. *Approved*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Friday, the 2nd October, 1970, the following members being present: Mr. Sheard (Chairman), and Messrs. Pepper, Robins and Thom.

Estimates — 1970-71

Your Committee had before it the Estimates for each of the Society's Standing Committees and those Special Committees which have planned expenditures for the ensuing year.

Your Committee also had before it a recommendation from the Discipline Committee that the Compensation Fund levy remain this year at $30.

Your Committee recommends the adoption of the annual budget; and that the Annual Fees for members of the Society remain at $110 for the ensuing year. *Adopted*

Your Committee met on Thursday, the 8th day of October, 1970, the following members being present: Mr. Sheard (Chairman), and Messrs. Callon, Fennell, Levinter, Pattillo, Pepper, Robins, Steele and Thom.

Accounts

The Secretary reports that from the 1st September to the 30th September, 1970, accounts, including Library Accounts, properly approved, to the amount of $49,239.41 have been paid. *Approved*

Financial Statement, 1st July to the 30th September, 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 30th September, 1970. *Approved*

Annual Financial Statement

The Annual Financial Statement for the year ending 30th June, 1970, as certified by the auditors, Messrs. Clarkson,

Gordon & Company, is before the Committee for consideration.
Approved

Rolls and Records

The Secretary reports:

1. Deaths

That the following former members of the Law Society have died:

John L. Lamont, Kincardine	Called—3 January 1924; Deceased—12 Sept. 1970.
Charles David Mailloux, Windsor	Called—22 March 1968; Deceased—8 June 1970.
B. James Thomson, Q.C., Toronto	Called—18 June 1931; Deceased—12 Sept. 1970.
Paul J. W. Glasgow, Q.C. Toronto	Called—17 Sept. 1936; Deceased—19 Sept. 1970.
Clarence H. Wiggins, Brampton	Called—15 January 1925; Deceased—29 Sept. 1970.
Harold G. Fox, Q.C., St. Catharines (Hon. Life Member)	Called—20 Sept. 1919; Deceased—30 Sept. 1970.
A. Kelso Roberts, Q.C., Toronto	Called—23 November 1922; Deceased—8 October 1970.

Noted

2. Disbarment

That the following member of the Law Society has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

George Russell Rutherford Frame, Toronto. Called — 16 November 1933; Disbarred — Convocation, 18th September 1970.
Noted

Building Committee

Alterations to the Law Society Buildings

A letter from Mr. Heeney dated October 2, 1970, and a Summary, shows the final cost of the project was $781,923.90, with a saving to the Society of approximately $50,439 derived from the type of contract entered into with respect to these alterations.
Noted

Legal Meeting and Entertainments

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Oct. 14—The Criminal Justice Section, C.B.A., ask permission to hold a dinner meeting in Convocation Hall, with the use of the Barristers' Lounge, on Wednesday evening, October 14, 1970.

Oct. 27—The Medico-Legal Society ask permission to use the Barristers' Lounge and Convocation Hall for a dinner meeting on the evening of Tuesday, October 27th.

Approved

THE REPORTS WERE ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

Your Committee met on the 8th day of October, 1970, at 10:30 o'clock in the morning, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Cass, Common, Ford, Lochead, Pattillo, Pepper, Robins, Steele, Strauss, Thom and Williston.

1. Solicitors' Trust Accounts

Your Committee considered a letter from a member of the Society suggesting that the Rules be amended to alter the practice of solicitors maintaining trust accounts for clients' funds. It had come to his attention that the vast majority of cases involving disbarment was concerned either directly or indirectly with misappropriation of such funds. He contended that it would be a major step toward the reduction in the number of opportunities for such conduct if lawyers were prohibited from receiving money in trust. He suggested that the profession could avail themselves of the services of financial institutions as an alternative. Your Committee reviewed the present practice of solicitors maintaining trust accounts and was of opinion that the practice should be continued without charge.

2. Motion

At the meeting of Convocation of the 15th May, 1970, a Motion was made that Convocation request the Treasurer to name a Sub-Committee to examine into the following matters:

(a) The feasibility of compiling a catalogue of disciplinary matters which have been dealt with by Convocation for a period of time prior to the date of this Motion, to be fixed by the Sub-Committee, but not to be less than five years.

(b) To explore the feasibility of making past decisions of Convocation dealing with disciplinary matters available to counsel appearing for members of the Society against whom a Notice of Complaint has been served, with special reference to the problem of preserving where necessary the anonymity of the member of the Society who was so disciplined by Convocation.

(c) The Sub-Committee to be empowered to employ a research assistant subject to obtaining consent from the Finance Committee or Convocation in the matters of remuneration.

(d) The Sub-Committee after having completed this report will first present it to the Discipline Committee for its consideration before it is considered by Convocation.

An amendment was made to the Motion that matters referred to in sub-paragraphs (a), (b) and (c) be referred to the Discipline Committee for consideration. Your Committee recommends the appointment of a Sub-Committee composed of Mr. Stuart Thom as Chairman, and Messrs. Ford and O'Driscoll, to consider and report upon the feasibility and desirability of adopting the motion in whole or in part.

THE REPORT WAS ADOPTED.

ORDER

The Secretary presented the following order which was entered on the Minutes of Convocation.

IN THE SUPREME COURT OF ONTARIO

IN THE MATTER OF THE LAW SOCIETY ACT

IN THE MATTER OF GEORGE RUSSELL RUTHERFORD FRAME, a Barrister-at-Law and one of the Solicitors of the Supreme Court of Ontario

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 18th day of September, 1970, disbar the said Barrister-at-Law and resolve that he is unworthy to practise as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said GEORGE RUSSELL RUTHERFORD FRAME, be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 18th day of September, 1970.

Entered At Toronto Recorded on Film No. 213 on Document No. 357 on Sep 18, 1970 EMcB	Gordon F. Beddis Registrar, The Supreme Court of Ontario

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Re: SOLICITOR

The Society having received complaints from a client concerning the Solicitor's professional conduct a Notice of Complaint containing the following specific complaints was issued:

> TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. having been retained in or about the month of August 1969 to commence a civil action:
>   (a) did fail to proceed in accordance with instructions.
>   (b) gave a false report to your client on the status of the action.
> 2. having been retained in or about the month of August 1969 to commence another civil action for the same client:
>   (a) did fail to proceed in accordance with instructions.
>   (b) gave false reports to your client on the status of the action.
> 3. having been retained in the year 1968 to defend a civil action against the said client:
>   (a) did fail to proceed in accordance with instructions.
>   (b) gave false reports to your client on the status of the action, in particular with respect to the lifting of a writ of execution.
> 4. having been retained in the month of August 1969 by a client and his wife to act on their behalf in the adoption of a child:
>   (a) did fail to proceed in accordance with instructions.
>   (b) gave false reports to the said client on the status of the adoption proceedings.
> 5. [This complaint was not established].

6. failed to reply to letters of the Law Society dated July 17th 1970, July 29th, August 5th, August 6th, and September 2nd, in connection with complaints made to the Society by the said clients.

The Notice was made returnable on the 23rd day of September at 10:00 o'clock in the forenoon. Your Committee composed of Mr. Robins as Chairman and Messrs. Steele and Thom convened at the appointed time.

The Solicitor was not present.

Clare Scott, Assistant Secretary of the Society stated that he had received a telephone call from a man who identified himself as the Solicitor at approximately 9:45 a.m. that morning. The Solicitor stated that he had missed his flight and that a later flight was filled. Any subsequent flight would not get him to Toronto in time for the hearing. The Solicitor did not ask Mr. Scott to request that the matter be adjourned. Three witnesses were in attendance and a Solicitor representing the complainant, was also present.

Your Committee determined to proceed in the Solicitor's absence.

On the evidence adduced your Committee finds that the first, second, third, fourth and six specific complaints have been established. Your Committee recommends that the Solicitor be suspended for two years and that he be required to pay the costs of the Society's investigation.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Report be adopted.

The solicitor attended without counsel and made submissions with respect to penalty and requested that some lesser penalty than suspension be imposed provided he entered into association with a reputable firm by the 1st December 1970; or alternatively that any suspension imposed not begin until the 1st December 1970.

Moved by Mr. Callon, seconded by Mr. Raney, that the matter be adjourned one month. *Carried*

The solicitor returned and was informed of Convocation's decision, and told that at the November Convocation he may present evidence of his having formed an association with a firm, and that a member of such firm should attend Convocation with him.

Messrs. Maloney, Robinette and R. F. Wilson were not present, took no part in the discussion, and did not vote.

Re: SOLICITOR

Complaints having been received by the Society regarding the solicitor's professional conduct a Notice of Complaint was issued containing the following specific complaints:

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. Have failed to reply to letters from the Law Society of Upper Canada in connection with a complaint by [a client] against your professional conduct;
> 2. Have failed to reply to letters from the Law Society of Upper Canada in connection with a complaint by [another client] against your professional conduct".

The Notice of Complaint was made returnable on Monday, April 27th, 1970, at 10:00 a.m. Your Committee, composed of Mr. Hyliard Chappell, Chairman, and Messrs. Goodman and McLaughlin, met at the appointed time. The solicitor attended without counsel.

On the day of the hearing the solicitor delivered to the Society what purported to be a copy of a reporting letter of even date to the beneficiaries of the estate with respect to which the first complaint arose. Subsequently the complainant advised that the estate was completed.

Concerning the second specific complaint, the solicitor said that the divorce proceedings with respect to which the complaint arose had not been completed. All he could do was undertake to complete his work forthwith.

The solicitor apologized for his failure to reply. He said, by way of explanation not by way of excuse, that he had been upset by personal problems of late. He had not ignored the Society's letters but he had not replied to them. He said that he would endeavour to see that this would not happen again.

Subsequent to his appearance before your Committee on return of this Notice of Complaint, the Society received a copy of the Judgment Absolute in the divorce action which gave rise to the second complaint.

Your Committee on the evidence adduced finds the two specific complaints to be established and recommends that the solicitor be reprimanded in Convocation, with publication of the reprimand.

Moved by Mr. Evans, seconded by Mr. Ford, that the Report be adopted.

The solicitor attended with his counsel, Mr. R. S. Paddon, who made submissions as to penalty, requesting that there be no publication of the reprimand.

Moved by Mr. MacKinnon, seconded by Mr. Robins, that the reprimand be published without the solicitor's name.

Carried

The Report was adopted as amended.

The solicitor returned and was advised of Convocation's decision not to publish his name, and was reprimanded by the Treasurer.

Re: LOUIS DAVIDSON, Toronto

IN THE MATTER of a Petition of LOUIS DAVIDSON
for reinstatement as a member of the Law Society
of Upper Canada.

Louis Davidson was struck off the Rolls of the Law Society on November 20th, 1964, following the adoption by Convocation of a recommendation of the Discipline Committee of November 10th, 1964, that he be disbarred on the ground that he had been guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor.

A Petition for reinstatement as a member of the Law Society dated April 29, 1968, was considered by Convocation at its meeting of May 17, 1968. Convocation referred the matter to the Discipline Committee for investigation and report.

The Discipline Committee composed of G. F. Henderson, as Chairman, and J. D. Bowlby and W. Z. Estey convened a hearing into the matter on June 11, 1969. Mr. Davidson was represented at the hearing by Austin Cooper, Q.C. Mr. Davidson gave evidence and called character evidence on his behalf. After considering the Petition, the evidence adduced at the hearing and submissions of Counsel for Mr. Davidson, the Committee was not persuaded that no one was hurt in the transaction that led to the disbarment of Mr. Davidson and the Committee in its report to Convocation of June 20, 1969, did not recommend the reinstatement of Mr. Davidson.

In April, 1970, Convocation considered the Discipline Committee report of June 20, 1969, and ordered that the matter be referred back to the Committee to reconsider the Petition having regard to two decisions of Convocation made subsequent to the report of the Committee.

On July 30, 1970, the Discipline Committee composed as before of G. F. Henderson, Chairman, J. D. Bowlby and W. Z. Estey convened a hearing at which Mr. Davidson and his Counsel, Austin Cooper, Q.C., attended. Additional evidence was adduced.

Your Committee recommends that Louis Davidson be reinstated a member of the Law Society of Upper Canada on repayment of the costs of the Discipline Committee in respect of the June, 1969, and July 30, 1970, hearings.

In making its recommendation your Committee has taken into consideration the fact that Davidson co-operated with representatives of the Law Society throughout. We have also considered the evidence given by solicitors practicing in Toronto and other responsible persons living in Toronto who attested to the good character of the Petitioner.

We are now satisfied on the additional evidence and explanations given to us at the hearing of July 30, 1970, that the improper conduct that led to the disbarment of Davidson did not in fact cause harm to any third persons.

In the result, it is the opinion of your Committee that the five and one-half year period during which Louis Davidson has been unable to perform the functions of a Barrister and Solicitor in Ontario is a sufficient sanction for the improper conduct of which he had been found guilty in November, 1964.

It is therefore recommended that Mr. Davidson be reinstated as a member of the Society subject to the payment of costs as above set out.

Moved by Mr. MacKinnon, seconded by Mr. Evans, that the Report be adopted. *Carried*

Convocation adjourned at 12:30 p.m. for luncheon.

The Treasurer and Benchers entertained as their special guests at luncheon the Honourable Mr. Justice Stewart and Mr. W. Morley Callaghan.

Convocation resumed at 2:30 p.m., the following members being present: The Treasurer, and Messrs. Beament, Callon, Cass, Common, Estey, Evans, Gray, W. E. Harris, Henderson, Lochead, Maloney, McLaughlin, O'Driscoll, Pepper, Raney, Sheard, Steele, Strauss, Thom and R. F. Wilson.

Re: SAMUEL CIGLEN, Toronto

A Court Reporter attended and was sworn.

The solicitor attended with his counsel, Mr. W. J. Smith, Q.C.

Mr. D. H. Lissaman, Q.C., attended for the Society.

The Treasurer reviewed the proceedings at last Convocation and informed Mr. Smith that only Mr. Estey was present who was not present throughout the proceedings on the last occasion, but that even he was present while the Report was read.

Mr. Smith said he was content that Mr. Estey sit and take part in these proceedings, and content that the Report not be re-read.

Mr. Smith made submissions respecting the adoption of the Report and with respect to the motion to increase the penalty to disbarment.

Convocation after discussion voted on Mr. Sheard's motion made at the September Convocation, seconded by Mr. Lochead, to vary the recommended penalty substituting therefor the penalty of disbarment. *Carried*

The Report as amended was adopted.

Moved by Mr. Evans, seconded by Mr. Sheard —

1. THAT the Report of the Discipline Committee in the matter of SAMUEL CIGLEN, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, as amended, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said SAMUEL CIGLEN guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor in respect of the charges dealt with by the said Report.
3. THAT the said SAMUEL CIGLEN be disbarred.
4. THAT the said SAMUEL CIGLEN is unworthy to practise as a Solicitor.

REMEMBRANCE DAY SERVICE

Moved by Mr. Henderson, seconded by Mr. Cass, that Messrs. Cassels (Chairman), Ford and Gray be appointed a Special Committee on Remembrance Day Service. *Carried*

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Cassels

Your Committee met on Wednesday, the 30th of September, 1970, the following members being present: Mr. Cassels, Chairman, Messrs. Gray, Honsberger and George A. Johnston.

Your Committee met again on Thursday, the 8th of October, 1970, the following members being present: Mr. Cassels, Chairman, Mr. McLaughlin and Mr. Williston, *ad hoc.*

Your Committee met on each occasion to discuss its plans for housing and displaying muniments and memorabilia in its new quarters (the three rooms on the third floor of Osgoode Hall above the Benchers quarters). Your Committee had anticipated a start this Fall in renovating at least one of three rooms (the most westerly one) but is now advised that none of the rooms will be available for some months. This is because the rooms are presently used for library book storage and there is no space yet available to re-locate these books. Space will become available as changes in the Great Library are completed but this will not be for about one year.

In spite of this delay, your Committee intends making an immediate start in planning its new quarters. Your Committee has instructed its Secretary to have the Society's Architect and Interior Decorator draw up plans outlining alterations and suggested decor. When this plan is complete and approved, your Committee intends purchasing cabinets and displaying some of its more interesting items perhaps in the Lawyer's Lounge or some other suitable areas until its permanent quarters are available.

Your Committee has also instructed that an estimate be obtained of costs to rebind some of the earlier minutes of the Benchers' meetings (*circa* 1797) which are presently stored in the Law Society vault.

Your Committee has already obtained from the Society's Architect, Mr. Heeney, an estimate of the cost to renovate the new quarters and wishes to bring these costs to the attention of Convocation at this time. Mr. Heeney estimates that when the books and shelving installations are re-located, the cost of making suitable renovations will be about $7,300 for all three rooms ($10,800 with carpeting) or about $2,750 for the west room only ($3,610 with carpeting). This includes new lighting, installing a new floor underlay with tile flooring, repairing floors, plastering walls and painting all areas.

THE REPORT WAS RECEIVED.

DISCIPLINE COMMITTEE—Mr. Evans

Re: ALEXANDER ROBERT KAYE, Toronto

As a result of a complaint received by the Law Society an inspection was made of the Solicitor's books and records resulting in the issue of the following Notice of Complaint returnable before your Committee on Monday, the 27th day of July, 1970, at 10:00 a.m.

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:

1. In or about the months of June 1969 and July 1969 received the sum of $102,400.00, more or less, from your client Norman H. Solmon to invest on the security of a second mortgage on property known as the Ontario subdivision, being Lots 5, 6, 7, 8, 21, 22, 23 and 24, Fifth double range, east of Brock Street, Town of Whitby, County of Ontario, and misappropiated it.
2. In or about the months of July 1969 and August 1969 received the sum of $110,000.00 more or less, on behalf of your client, Norman H. Solman to invest on the security of a second mortgage on property known as the Blair subdivision, being part Lot 24, Concession 1 and other properties in the Town of Whitby and misappropriated it.
3. In or about the month of October 1969 received the sum of $110,925.00, more or less, from your client Norman H. Solmon to invest on the security of a second mortgage on property being Lot 14, Sheet 17-B, M.P. 357 in the City of Oshawa in the County of Ontario and misappropriated it.
4. In or about the month of November 1969 received the sum of $116,700.00, more or less, from your client

> Norman H. Solmon to invest on the security of a first mortgage on property being Part Lot 1, Second Concession, Division D, in the city of Guelph in the County of Wellington and misappropriated it."

Your Committee, consisting of Messrs. Dubin (Chairman), Strauss and McCulloch met on the 27th day of July, 1970. Mr. D. R. Heather appeared as counsel for the Society. The solicitor attended with his counsel, Mr. A. M. Cooper, Q.C., who requested and was granted an adjournment to Tuesday, 8th September, 1970, at 10:00 a.m.

Your Committee, consisting of Messrs. Ford (Chairman), Common and H. E. Harris, met on Tuesday, 8th September, 1970, at 10:00 a.m. The Solicitor, his counsel and counsel for the Society all attended. On the Solicitor's behalf, his counsel admitted proper service of the Notice of Complaint.

The evidence on behalf of the Society was:

(a) an agreed Statement of Facts which was filed as an exhibit;

(b) that of Norman H. Solmon, the client named in the four counts, who advanced the mortgage monies; and

(c) that of Bruce R. Johnston, one of the Society's accountants, who inspected the Solicitor's books.

The solicitor gave no evidence on his own behalf. Neither did he call evidence. Through his counsel, the Solicitor admitted that, to the extent that "misappropriated" as used in all four counts of the first Complaint meant disbursing a client's monies for an unauthorized use, the Solicitor admitted each of the four counts in the first Complaint, and that he thereby was guilty of professional misconduct. Counsel for the Solicitor also informed the Committee that on the day prior to the commencement of the hearing sufficient monies (approximately $167,000) had been made available to Mr. Solmon, on behalf of the Solicitor, to correct the state of each of the four titles to the position in which the Solicitor had represented them to be.

The proceedings with reference to the first Complaint commenced on Tuesday, 8th September, 1970, and were adjourned to Tuesday, 22nd September, 1970, when they were completed. During the adjourned period a further Notice of Complaint was issued and served on the Solicitor, returnable before your Committee on 22nd September, 1970 (the date of the adjourned hearing of the first Complaint). The new Notice of Complaint was as follows:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:

1. In or about the months of June and July 1969, with intent to deceive falsely reported to your client Norman H. Solmon on the security you obtained for him arising out of the transaction referred to in paragraph 1 of the Notice of Complaint dated 14th July 1970.
2. In or about the months of July and August 1969, with intent to deceive falsely reported to your client Norman H. Solmon on the security you obtained for him arising out of the transaction referred to in paragraph 2 of the Notice of Complaint dated 14th July 1970.
3. In or about the month of October 1969, with intent to deceive falsely reported to your client Norman H. Solmon on the security you obtained for him arising out of the transaction referred to in paragraph 3 of the Notice of Complaint dated 14th July 1970.
4. In or about the month of November 1969, with intent to deceive falsely reported to your client Norman H. Solmon on the security you obtained for him arising out of the transaction referred to in paragraph 4 of the Notice of Complaint dated 14th July 1970."

On the return of the second Complaint at the date and time of the adjourned hearing of the first Complaint, your Committee met and again consisted of Messrs. Ford (Chairman), Common and H. E. Harris. The Solicitor re-attended with Mr. Cooper, his counsel. Mr. Heather again appeared for the Society. Counsel for the Solicitor admitted that the Solicitor had been duly served with the second Notice of Complaint.

Counsel for the Society noted that he did not propose adducing evidence other than the evidence called and documents filed on the hearing of the first Complaint. Counsel for the Solicitor agreed that the evidence given on the hearing of the first Complaint should be treated as having also been given with reference to the second Complaint. The Solicitor did not give evidence or call witnesses with reference to the second Complaint. Counsel for the Solicitor admitted each of the four counts in the second Notice of Complaint and that they amount to professional misconduct.

With reference to the first Notice of Complaint, counsel for the solicitor in argument

1) admitted on behalf of the Solicitor the facts of each of the four counts in the 1st Notice of Complaint in so far as "misappropriation" means disbursing the trust monies involved for an unauthorized purpose;
2) reminded the Committee there was no evidence that the monies or any part of them had been misappropriated to the Solicitor's own use, as opposed to being disbursed for an unauthorized purpose; and
3) stated that Mr. Solmon would sustain no loss by reason of the payment arranged of some $167,000.

With reference to the second Notice of Complaint, counsel for the Solicitor made no submissions.

At the conclusion of his submissions on behalf of the Solicitor, counsel for the Solicitor requested, on behalf of the Solicitor, that the Committee, rather than recommending disbarment, recommend that the Solicitor be permitted to resign from the Society in view of the fact that

1) there was no evidence that he has misappropriated the monies to his own use;
2) arrangements had been made to ensure that the client, Mr. Solmon, would suffer no loss.

WITH REFERENCE TO THE FIRST NOTICE OF COMPLAINT:

Your Committee, on the evidence before it, and after considering the submission of counsel, finds as a fact that the Solicitor deliberately misappropriated the monies advanced to him by Mr. Solmon in each of the four instances set out in the four counts of the first Notice of Complaint by disbursing the monies contrary to his client, Mr. Solmon's instructions and for wrong and unauthorized purposes.

Your Committee accordingly finds that each of the four counts in the first Notice of Complaint was established.

WITH REFERENCE TO THE SECOND NOTICE OF COMPLAINT:

Your Committee, on the evidence before it and after considering the submissions of counsel, finds as a fact that the Solicitor, with intent to deceive his client, Mr. Solmon, did falsely report to Mr. Solmon the state of the mortgage security in each of the four instances set out in the four counts in the second Notice of Complaint.

Your Committee accordingly finds that each of the four counts in the second Notice of Complaint was established.

On the basis of your Committee's findings on both Notices of Complaint herein, your Committee recommends that the

Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Alexander Robert Kaye was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 21st day of June, 1951.

Moved by Mr. Evans, seconded by Mr. Ford, that the Report be adopted.

A Court Reporter attended and was sworn.

The solicitor attended with his counsel, Mr. Austin Cooper, Q.C.

Mr. D. R. Heather attended for the Society.

Mr. Cooper made submissions to Convocation and requested that the solicitor be allowed to resign his membership in the Society upon paying the costs of the Society's investigation and undertaking never to apply to be re-admitted.

Mr. Heather made a brief submission.

The Report was adopted.

Moved by Mr. Evans, seconded by Mr. Gray —

1. THAT the Report of the Discipline Committee in the matter of ALEXANDER ROBERT KAYE, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said ALEXANDER ROBERT KAYE guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT the said ALEXANDER ROBERT KAYE be disbarred.
4. THAT the said ALEXANDER ROBERT KAYE is unworthy to practise as a solicitor. *Carried*

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 7th day of October, 1970, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Fairbairn, Ford, Gray, Killeen, Levinter, Lochead, O'Driscoll and Poole.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of August, 1970.

Expenditure for the five-month period ended August 31st, 1970, totalled $4,471,230. This figure exceeds anticipated expenditure by approximately $816,000. The major portion of this excess is accounted for by fees and disbursements in criminal matters ($382,000) and in civil matters ($363,000).

Contributions received from clients amount to $116,988 or approximately $50,000 less than anticipated receipts for the five-month period. On the other hand receipts on account of client recoveries totalled $132,375 or $44,000 in excess of anticipated receipts.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for five months ended August 31st, 1970.

In the five-month period ended August 31st, 1970, informal applications totalled 16,057. Formal applications (forms 2 received) totalled 26,621. These figures represent respectively a 24% and a 26% increase over the activity for the corresponding five-month period in 1969.

Certificates issued in the five-month period totalled 22,528 compared with 17,009 in the corresponding five-month period in 1969. This increase approximates 32%.

For the five-month period under review 37,017 persons were assisted by duty counsel representing an 18% increase over last year's figure of 31,350.

(b) The following leases which were approved by John D. Honsberger, Q.C., on behalf of the Law Society, were approved by your Committee:

(i) *District of Muskoka* — 355 Muskoka St., Gravenhurst: two leases — a) Oct./69-June/70; b) July/70-June/71 — $80 per mo.

(ii) *Manitoulin & Sudbury District* — 69 Elm St. W., Sudbury: Oct. 1/69-Dec. 31/70 — $150 per mo.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for three months ended September 30th, 1970.

(b) The Legal Accounts Officer submitted a report for the month of September, 1970, with respect to reviews and appeals.

APPOINTMENT OF AREA DIRECTOR — YORK COUNTY

Your Committee moved that W. R. Donkin, Solicitor, be appointed Area Director for the County of York effective

January 1st, 1971, subject to Section 3(1)(b) of the Legal Aid Act.

SUB-COMMITTEE TO REVIEW THE LEGAL AID TARIFF

Your Committee reviewed a report of the Sub-Committee on the legal aid divorce tariff.

AMENDMENT TO SECTION 17 OF THE LEGAL AID ACT — LIENS

At the August, 1970, meeting, Mrs. A. C. R. Rosenthal, Assistant Provincial Director, submitted a memorandum for the approval of the Committee which was to be distributed to the Area Directors with respect to the taking of liens under the amended Legal Aid Act.

The Committee instructed the Assistant Provincial Director to forward the memorandum to the Area Directors informing them that it was a temporary guide and that the Committee would review and determine matters of policy governing the taking of liens at its September meeting.

Mrs. Rosenthal presented a report to the Committee at the September meeting and the Committee, after considering the issues involved, requested the Provincial Director to prepare a staff paper setting out the issues and in particular, to relate the taking of a lien in accordance with the rules determining welfare eligibility of the Department of Social and Family Services.

A meeting was held on Tuesday, September 29th, 1970, at which the Provincial Director, the Assistant Provincial Director, the Associate Area Director, York County, and the Director, Legal Aid Assessment Branch, Department of Social and Family Services, were present.

Your Committee considered the report of the staff on the Taking of Liens under amended Section 17 of the Legal Aid Act and moved that the report be adopted.

The Director was instructed to forward a copy of the report to the Director, Legal Aid Assessment Branch, Department of Social and Family Services, advising him that the Committee had adopted the report.

After discussing this report, your Committee concluded that many solicitors are not aware of their responsibility under the Legal Aid Act with respect to costs, recoveries and the taking of liens. It was suggested that a memorandum be prepared and mailed directly to each solicitor on the Legal Aid Panels outlining his responsibility in this regard. This suggestion was unanimously carried.

YORK COUNTY AREA OFFICE

At its January, 1970, meeting, your Committee granted permission to W. R. Donkin, Associate Area Director, York County, to investigate the possibilities of establishing a branch office in Newmarket.

The Committee reviewed correspondence and a report from W. R. Donkin on his investigation of this matter and moved that the report be adopted subject to discussion with and approval of the Department of the Attorney General.

LIMITATION OF CERTIFICATES (CRIMINAL)

The Committee reviewed correspondence from W. R. Donkin, Associate Area Director, York County, with respect to the limitation of 75 criminal certificates in a fiscal year.

In April, 1969, Convocation approved the following policy:

> "Effective the first day of April, 1969, no solicitor shall accept, in any twelve month period, more than 75 criminal certificates in any legal aid fiscal year. Area Directors must circularize this notice, in writing, to all members of the criminal legal aid panels in their area."

Mr. Donkin asked the Committee what should be done when a solicitor inadvertently or deliberately accepts more than 75 criminal certificates.

The Committee instructed Mr. Donkin to inform the solicitor that under the present policy the solicitor may not accept any certificates beyond the 75 limitation and to warn the solicitor that if he does accept a certificate beyond this number, the Plan will not honour his account.

DISCLOSURE TO COURTS WITH RESPECT TO LEGAL AID

At the August meeting, Messrs. Killeen, Lochead and O'Driscoll agreed to investigate if any disclosure is being made in court proceedings as to whether or not a client is represented under Legal Aid. It appears that in some divorce actions the Judge asks if the client is legally-aided. If the answer is in the affirmative, costs are withheld.

The Committee reviewed correspondence from G. H. Lochead, Q.C., wherein he reported specific instances where Judges had asked whether or not the client was represented under Legal Aid.

The Committee also reviewed correspondence from the Associate Area Director, York County, wherein he reported a similar instance.

Your Committee moved that the Chairman attend on Chief Justice Wells and invite him and a committee of Judges to meet with the Legal Aid Programme Committee to discuss the problem.

PART VII OF THE REGULATION — PAYMENT OF COSTS

The Committee considered an application under Part VII of the Regulation which was refused.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Wentworth County

Cameron H. Gage, Q.C., Assistant Crown Attorney, Hamilton.
Thomas R. Scoccia, Solicitor, Hamilton.
Thomas R. Beckett, former Chairman of Social & Family Services Council.
Rev. Alan R. Mathews, National Executive Director of Alienated Youth of Canada Incorporated, Hamilton.

CORRESPONDENCE

Your Committee reviewed correspondence from F. J. Cornish, Q.C., Area Director, York County, with respect to members of the Bar acting under a certificate and openly stating that they are representing a legal aid client.

Your Committee instructed the Director to refer this matter to the Sub-Committee on Amendments to the Act and Regulation.

GUARDIAN AD LITEM

The following is a quote from the Report of the Legal Aid Programme Committee submitted to and adopted by Convocation on June 19th, 1970:

> "GUARDIAN AD LITEM:
>
> In a report to Convocation dated September 13, 1968 the Committee confirmed a previous decision which was reported to Convocation, that it is not proper for a solicitor acting as guardian ad litem in a legal aid matter to

> charge a fee. This decision was communicated to all area directors.
>
> On March 9, 1970 the York County Area Director wrote the Director advising that he had received a request from a solicitor to take proceedings to appoint a guardian ad litem for an infant co-respondent in a divorce action.
>
> The York County Area Committee wished to be advised of the reasons for the Programme Committee's decision not to allow a fee to a solicitor acting as guardian ad litem. Your Committee reaffirmed its decision that a solicitor should not charge a fee to act as guardian ad litem in a legal aid matter.
>
> The Director was instructed to advise the York County Area Committee that there is no provision in the legal aid tariff for a solicitor to act as guardian ad litem. The Committee's decision is also based on the fact that such an appointment does not usually involve legal services since the services can be classified as a routine convenience and does not involve time spent. However, should court attendance be required, the Rules of Practice provide for the appointment of the Official Guardian."

The Director informed the Committee that the provincial office had been advised by the office of the Official Guardian that the Official Guardian will not act as Guardian Ad Litem in divorce actions because of a conflict of interest.

The Committee reviewed correspondence from Paul R. Beaudet, Solicitor, who because of the refusal of the Official Guardian to act as Guardian Ad Litem, requested another solicitor to act in that capacity and now inquires whether that solicitor is entitled to payment under the Legal Aid Plan.

Your Committee again reaffirmed its decision that a solicitor should not charge a fee to act as guardian ad litem in a legal aid matter.

Leeds & Grenville

Robert K. Arthurs, Solicitor, Prescott.

York County

James W. Austin, Solicitor.
A. K. Gouse, Associate Director, John Howard Society.
D. W. Goudie, Solicitor.
Nicholas D. McRae, Solicitor.
The following resignations were noted:

Resignations:

Leeds & Grenville

Ronald M. MacFarlane, Q.C.
Richard M. Tobin, Solicitor.
David W. Grant, Solicitor, Prescott.

Huron County

Norman Shepherd, Solicitor.

Northumberland & Durham

Mrs. D. A. McCullagh, Solicitor.

Frontenac County

Philip D. Quinton, Solicitor.

Simcoe County

W. M. Thompson, Q.C.

York County

The Honourable Mr. Justice Arnup.
Lloyd Richardson, Director, Metro Children's Aid.
John P. MacBeth, Q.C.

THE REPORT WAS ADOPTED.....

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 8th day of October, 1970, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Ford, MacKinnon and Strauss.

1. Ruling 10 — Signs and Letterheads

An Ontario lawyer wrote to the Society advising that he and an attorney who is qualified to practise law in one of the United States of America were exploring the possibilities of entering into a partnership agreement for the practice of law. They are both presently employed by a local Insurance Company. Assuming that the partnership was made effective it would be paid a retainer fee by the Insurance Company, and perhaps, by other Canadian Companies in a similar situation. In addition, there would also be the possibility of performing like services for U.S. companies entering in the Canadian securities field. Your Committee instructed the Secretary to advise that in its opinion such partnership would not be proper.

2. SUB-COMMITTEE ON PROPOSED RULING "TOUTING, ADVERTISING AND SOLICITING"

At its June, 1969, meeting, your Committee recommended to Convocation a proposed Ruling that would be substituted for Rulings 3, 4, 5, 6, 17 and 18. Convocation approved of the recommendation that the Ruling be published as a proposed amended Ruling in the *Ontario Reports*. This was accordingly done. As a result of the Notice to the Profession, comments were received from members of the profession and were duly noted by the Sub-Committee at its meeting of the 5th February, 1970. At that meeting the Sub-Committee, for purposes of discussion, determined to submit to your Committee the following Report:

PROPOSED RULING ON TOUTING, ADVERTISING AND SOLICITING

As amended at Sub-Committee meeting **5th February, 1970.**

1. A member shall not directly or indirectly apply for or seek instructions for professional work or do or permit, in the carrying on of his practice, any act or thing which can reasonably be regarded as touting or advertising.

2. While publicity may be a consequence of the proper exercise of a member's professional duties or of an act otherwise properly done by him, it is improper for a member to do anything or cause or permit anything to be done for the purpose of professionally advertising himself.

Alternative to 1 and 2 —

A member shall not directly or indirectly apply for or seek instructions for professional work or do or permit any act or thing which can reasonably be regarded as professional touting or advertising or as designed to attract professional work.

3. It is improper for a member to seek out the company of or unduly associate with persons who are in a position to control or influence the selection of a member to perform professional work with the primary view of obtaining such professional work.

4. Without limiting the generality of Ruling 1 or the foregoing sections of this Ruling, each of the following actions is improper for a member:

(a) to hold himself out or permit himself to be held out as being prepared to provide professional services at fees less than the appropriate scale prevailing in the area in which he practises in order to obtain professional work;

(b) to permit his name to appear as solicitor, counsel or Queen's Counsel, on any advertising material offering goods, securities or services to the public;

(c) while in private practice, to permit his name to appear on the letterhead of a company as being its solicitor or counsel of business, firm or corporation;

(d) to act for a vendor of property who to the knowledge of the solicitor advertises or makes any representation through salesmen or otherwise, as an inducement to a purchaser, that a registered deed is included in the purchase price, or leads purchasers to believe that it is unnecessary for them to be represented in the transaction;

(e) to hold out or permit himself to be held out to any prospective purchaser as being specially fit to act for such purchaser because of his special knowledge as solicitor of the vendor;

(f) to permit a vendor or his agent to hold out to a prospective purchaser that he, as solicitor for the vendor, will act for such purchaser and that the vendor will pay, in whole or in part, his fees as solicitor for such purchaser;

(g) to arrange for or permit any real estate agent, broker or salesman to make a practice of recommending to any party to a transaction that the member's services be retained;

(h) to permit a real estate agent or any other person not professionally associated with him in his practice to share in the fees which are charged or chargeable by him to his client;

(i) to act for or accept a brief from or on behalf of a member of a club or organization, as for example an automobile club, which make a practice of "steering" its members.

5. (Clauses (a) to (i) of Section 4 of this Ruling shall be interpreted to extend to any action of a member whether it be done directly or indirectly and whether it be done in relation to himself personally or to any member or firm with which he is in any way associated in his practice.)

On the 10th of April, 1970, your Committee met to consider the Sub-Committee's Report. Also present, by invitation, were the members of the Special Committee of the Canadian Bar

Association which was formed to study the Canons of Legal Ethics. As a result of that meeting suggestions were made for a number of revisions. Subsequently, on the 22nd June last, the Sub-Committee met and as a result submitted the following Report to your Committee:

To the Professional Conduct Committee

Your Sub-Committee on "Touting, Advertising and Soliciting" held a meeting on Monday, the 22nd of June, 1970, at 10:00 o'clock in the morning. Present were Mr. E. A. Goodman, Chairman, and Messrs. MacKinnon and O'Driscoll.

Your Sub-Committee considered the Report of the Special Meeting held with the representatives of the Canadian Bar Association and its own previous discussions and made the following recommendation:

That Rulings 3, 4, 5, 6, 17 and 18 be repealed and that the following Regulation be enacted in lieu thereof.

Your Sub-Committee decided that they would combine subsections 1 and 2 of the amended Ruling as amended at the meeting of the 5th February 1970 and that section 1 of the proposed Ruling shall read as follows:

1. A member shall not directly or indirectly apply for or seek instructions for professional work or do or permit any act or thing which can reasonably be regarded as professional touting or advertising or as designed primarily to attract professional work.

Your Sub-Committee then decided that section 3 would be deleted as being too difficult to enforce.

2. Without limiting the generality of Ruling 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:

The Sub-Committee then decided to amend section 4(a) now renumbered 2(a) to read as follows:

(a) to hold himself out or permit himself to be held out as being prepared to provide professional services at fees that are less than reasonable and appropriate in the circumstances in order to obtain professional work;

(b) to permit his name to appear as solicitor, counsel or Queen's Counsel on any advertising material offering goods (other than securities) or services to the public;

(c) while in private practice, to permit his name to appear on the letterhead of a company as being its solicitor or counsel of a business, firm or corporation;

(d) to act for a vendor of property who to the knowledge of the solicitor advertises or makes any representation through salesmen or otherwise, as an inducement to a purchaser, that a registered deed is included in the purchase price, or leads purchasers to believe that it is unnecessary for them to be represented in the transaction;

(e) to hold out or permit himself to be held out to any prospective purchaser that being specially fit to act for such purchaser because of his special knowledge as solicitor of the vendor;

(f) to permit a vendor or his agent to hold out to a prospective purchaser that he, as solicitor for the vendor, will act for such purchaser and that the vendor will pay, in whole or in part, his fees as solicitor for such purchaser;

Your Sub-Committee amended sub-section (g) to read as follows:

(g) to arrange for or to encourage any other person (e.g., real estate agent) to make a practice of recommending to any party that the member's services be retained;

The Committee agreed to delete section (h).

There is deleted from the above Regulation, inter alia, the following section:

(i) to act for or accept a brief from or on behalf of a member of a club or organization, as for example an automobile club, which makes a practice of "steering" its members.

This subsection was a subject matter of considerable discussion both at the Special meeting with the Canadian Bar Association and also at the Sub-Committee's meeting. It was designed to replace the present Ruling 11 which deals with Automobile Clubs. You will note that we have recommended, for the time, that until some final conclusion is reached on this subsection that Ruling 11 should remain in force in effect.

The problem is that there was expressed at the Special Meeting a feeling that this Ruling would serve to limit a community organization with a social purpose, from providing for legal services for members of the public who require assistance. Professor Arthurs forwarded to the Committee the following suggestion for exemptions from the proposed subsection (i) included as (a) and (b) of his report:

(a) This ruling is not intended to prevent bona fide community organizations from arranging for legal advice or service on a gratuitous or subsidized basis for their members or for other persons falling within the scope of their activities.

(b) "Community organizations" shall include neighbourhood, social, religious or ethnic organizations, organizations formed by persons having a common interest or commitment, non-profit corporations, foundations or trusts recognized as "charitable" under the Income Tax Act, or agencies of municipal, provincial or federal governments.

Your Sub-Committee was of the opinion that these exemptions were too wide and might lead to abuse. We therefore request the guidance of the whole of the Professional Conduct Committee as to how this matter might be handled. Merely to assist the discussion the Chairman has drafted the following subsection:

> to act for or accept a brief from or on behalf of a member of a club or organization as for example an automobile club which make a practice of "steering" its members, provided that a solicitor shall be entitled to assist a community social agency, to provide legal advice or service on a gratuitous or subsidized basis for persons falling within the scope of the organization's activities, when such organization has received the approval of the Professional Conduct Committee.
>
> All of which is respectfully submitted."

Your Committee received the Report and recommends that the suggested new Rulings be published in the *Ontario Reports* in the form of a proposed amended Ruling.

3. PROFESSIONAL CONDUCT HANDBOOK

As stocks have become depleted, your Committee has instructed the Secretary to order 1,000 sets of contents and 2,000 covers at a total cost of $1,147.

4. MISCELLANEOUS

Free Counselling Service. At a meeting in the latter part of last year, your Committee considered a request for guidance from an Ottawa lawyer concerning the setting up of a legal service on the campus of an Ottawa university. It was intended that a lawyer be retained by the Students' Union to offer "on the spot" advice where applicable. In more involved cases it was felt that, if warranted, the student could consult a solicitor for further, more comprehensive assistance. While the Union would not be permitted to mention the name of the firm or the member thereof, who was supplying this service, in any advertising, it would be possible for a student to retain a member of the lawyer's firm if the lawyer so wished. Your Committee advised the lawyer that while the plan appeared not to infringe any of the Rules of the Society, in order to eliminate further difficulties on matters that come to his attention the lawyer advise in the first instance only and neither he nor his firm go any further. It was pointed out to the lawyer that this procedure was similar to that used by Legal Aid in regard to their Duty Counsel.

Your Committee has now considered an enquiry from a Toronto lawyer with respect to how the legal counselling service at Woodgreen Community Centre is being operated. In particular he is concerned that many of the people making use of this service become clients of the lawyers who are staffing the offices of the service. In addition to this lawyer's letter, your Committee also had before it correspondence from the executive director of Woodgreen Community Centre and one of the lawyers involved in providing the counselling service. Your Committee instructed the Secretary to write to the lawyer involved in the counselling service and suggest that the members of the staff follow the method used by the Legal Aid duty counsel, with the result that they would advise in the first instance only.

(b) Recently your Committee considered the propriety of law clerks having business cards. Your Committee's decision, which was reported to Convocation at its June meeting was that cards used by the profession and employees of members of the profession should clearly indicate that members are barristers and solicitors and further indicate the position held by the employees so that the cards will truthfully represent their respective status and misrepresentation will be thereby avoided.

Your Committee now has considered an enquiry from a lawyer from Eastern Ontario who wishes to know if it is in order for one of his employees who is a Notary Public to have a business card. It is contemplated that the card would have the employees name with the legend "Notaire-Notary Public" underneath. In the lower corner of the card would be the name of the law firm and its address. Your Committee was of the opinion that such a card is not acceptable and instructed the Secretary to so advise the lawyer and state that such a card could only cause confusion on the part of the public as to whether the Notary Public was in fact a lawyer. It was the Committee's view that the only purpose this card would serve would be to attract business to the firm.

(c) Your Committee considered an enquiry by a Hamilton lawyer in connection with a circular letter that was sent out recently by the Canadian Bar Association, Ontario section. The circular letter in question dealt with 'group flights' and stated that a firm of travel agents, have assumed the responsibility for organizing such flights in the future. The letter goes on to advise that both partners in the agency are members of the Ontario Bar. Your Committee has instructed the Secretary to determine if these two lawyers are in fact practising law.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Mr. Steele, Chairman, presented the Report of the Libraries and Reporting Committee.

Your Committee met on Thursday, the 8th day of October, 1970, the following members being present: Messrs. Steele (Chairman), Ford, Cassels, Maloney and Strauss, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 30th September, 1970, were before your Committee and were all in order.

Approved

DONATIONS

Mr. John D. Honsberger, Q.C., has donated to the Great Library a copy of the Proceedings of the 44th Annual Meeting of the National Conference of Referees in Bankruptcy, recently held in Ottawa.

Bruce County Law Association has donated a copy of the General Rules of the Maritime Court of Ontario for 1878.

Noted

USE OF LAW SOCIETY LIBRARY FACILITIES BY NON-MEMBERS

The Chief Librarian requested direction respecting the use of the Great Library by non-members. Your Committee decided that no change be made from the present practice. The Great Library is for the use of members of the Law Society only, but in special circumstances and with the approval of the Chief Librarian, it may be made available for use by non-members.

REPORTING

SALE OF REASONS FOR JUDGMENT

A letter addressed to the Chairman from Mr. A. A. Russell, Assistant Deputy Minister of Justice, was before your Committee. This letter proposed that the Attorney General's Office take over the business of supplying to the profession copies of Reasons for Judgment. *Approved*

REQUEST FROM QUEEN'S UNIVERSITY RE PERMISSION TO INSERT THE ONTARIO REPORTS INTO ITS COMPUTER

Your Committee had before it a draft contract prepared by Queen's University and embodying a request from Queen's University to use the *Ontario Reports* in its research of the computer. The University proposes to insert into the computer the Reports for the last twenty years and to continue to insert them as they are published.

Your Committee has referred this matter to counsel to speak with the publishers of the *Ontario Reports* and the University, if necessary, and recommend a proper contract.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th day of October, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Cass, Fennell, Lochead, Steele and Williston.

Your Committee had before it opinions of Counsel in respect of two matters involving notaries public. On Counsel's advice your Committee instructed that further investigation be made in respect of both matters.

Your Committee is giving consideration to the matter of non-solicitors appearing on someone's behalf before the Immigration Appeal Board.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEES ON NOTARIES PUBLIC

Mr. Steele

On the recommendation of the Unauthorized Practice Committee this Special Committee was appointed by Convocation in September, 1969, for the purpose of discussing with the Attorney General the whole subject of notaries public and in particular bringing to his attention the numerous complaints received by the Society about notaries and the problems encountered by the Society in dealing with these complaints. The persons appointed to the Committee were Messrs. Strauss, Chairman, Bowlby, Cass and Chappell.

The Committee met with the Attorney General on Thursday, 17th September, 1970. Members of the Committee who attended were Messrs. Strauss, Cass and Chappell. Messrs. Henderson and Steele (members of the Unauthorized Practice Committee) also attended.

Your Committee presented a list of a number of notaries about whom the Society has received complaints over the past three years. Your Committee pointed out that the problem from the Society's point of view is that in many instances, members of the public are hurt as a result of dealing with a notary and the Society has difficulty in prosecuting under the Solicitors Act due to the refusal of the complainant to lay a charge or otherwise co-operate. Several complaints have been received where a member of the public has gone to a notary believing him to be qualified to give legal advice. Excessive fees were paid for services which were often poorly performed and in some cases legal rights seriously prejudiced.

The misconception of a notary's qualification in Ontario is especially prevalent among persons of European background who come from countries where notaries have the equivalent standing of a lawyer. Several notaries have opened offices in ethnic communities, placed advertisements in ethnic papers which are misleading and circulated brochures in ethnic advertisements in ethnic papers which are misleading and circulated brochures in ethnic communities which give the impression that a notary can deal with legal matters. Your Committee produced for the Attorney General several advertisements, brochures and letterheads of notaries of this sort.

The Attorney General advised that practically all notaries in Ontario are now restricted to the attestation of documents and the taking of affidavits. A notary's appointment must be renewed every three years and in several instances renewals are not made. The Attorney General asked to be kept advised of the specific complaints received by the Society about notaries so that his Department would have a record when a re-appointment was being considered. Your Committee has instructed its Secretary to do this and left with the Attorney General a copy of the list of the notaries about whom complaints have been received.

Your Committee further discussed with the Attorney General whether it was necessary to appoint non-solicitors as notaries public and the possibility of repealing the Notaries Act. The Attorney General said that he would give consideration to this suggestion.

THE REPORT WAS ADOPTED.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 20th day of November, 1970.

G. ARTHUR MARTIN,
Treasurer.

MINUTES OF CONVOCATION

Friday, 20th November 1970
10 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.) and Messrs. Beament, Cass, Dubin, Evans, Fennell, Finlayson, Ford, Goodman, Gray, H. E. Harris, Henderson, Howland, Levinter, Maloney, MacKinnon, McLaughlin, O'Brien, Pattillo, Raney, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of the 16th October 1970 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 12th day of November, 1970, at 2:30 p.m., the following members being present: Mr. Robins, Chairman, Mr. Gray, Vice-Chairman, Messrs. Callon, Cass, Finlayson, Sheard, Thom and R. F. Wilson.

DIRECTOR'S REPORT

The Director requests the Committee's approval of the following appointment to the Faculty of the Bar Admission Course:

Estate Planning — S. Taube, Esq., to be promoted to Instructor. *Approved*

SERVICE UNDER ARTICLES

A letter from the Minister of Justice and Attorney-General of Canada is before the Committee in which Mr. Turner proposes "that a law student from any school in Canada who serves an appropriate period of articles with our main office in Ottawa be permitted to qualify for call and admission to the bars of any one of the ten provinces. . . ."

Your Committee recommends that the Secretary reply setting forth our Regulation and saying that service under articles in Ottawa is within the Regulation.

A general report from the Director of the Bar Admission Course is before the Committee.

Your Committee recommends that the Director be authorized to communicate with the Instructional Media Centre as suggested in the first item of his report, to request:

(a) The design and installation of a permanent closed-circuit television system;

(b) Maintenance service for the system when installed;

(c) Advice on the effective use of television for the needs of the Bar Admission Course.

(d) Production of programmes for video play-back.

The Chairman appointed a sub-committee of Messrs. Thom and Gray to consider the effect of Section 17(4) (no applicant for admission to the Society shall be refused until the applicant has been given an opportunity to appear in person before a committee of Benchers) and to report back to this committee.

With respect to the Continuing Education Programme on the Business Corporation Act, your Committee recommends that 250 copies of the material be made available to the Institute of Chartered Accountants at a price of $15 per copy.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee has met twice in the past few weeks, the first time on the 22nd October, at 10:00 a.m., when the following members were present: Mr. Stuart Thom, Chairman, W. R. Cass, Vice-Chairman, Mr. W. G. C. Howland and Messrs. Lochead, MacKinnon and Slemin.

At a meeting of the Executive of the Conference of the Governing Bodies of the Legal Profession in Canada held on the 10th of January, 1970, a resolution was passed that a Special Committee be appointed to consider and make recommendations with a view to achieving uniformity in the standards for admission to the practice of law in Canada. A further resolution was passed that the Committee examine the matter of the mobility of law students upon graduation from Canadian Law Schools. The Special Committee was chaired by Mr. W. G. C. Howland, Q.C., and reported to the Conference on the 1st of September, 1970. The report covered both the subject of legal education and portability of LL.B. degrees and the subject of transfers from one Province to another. The Special Committee discussed at length what the requirements should be for transfer from one Province to another and concluded that Canadian citizenship should be a uniform requirement for transfer to practice in any Canadian jurisdiction and then passed the following resolutions:

"RESOLUTIONS

7. That the Special Committee considers that uniformity in transfer requirements from one province to another is highly desirable

8. The Special Committee considers that as a prerequisite to a transfer from one common law Canadian jurisdiction to another an applicant must
   - (a) have been actively engaged in the practice of law in a province of Canada for a period or periods totalling at least three years and occurring in the five year period immediately preceding his application for enrolment,
   - (b) be a Canadian citizen,
   - (c) file a formal application,
     file a certificate of good standing from the Bar of the jurisdiction of which he is a member,
     be of good character and apparently fit to engage in the practice of law,
     pass prescribed examinations in statutes and procedure,
     present evidence of the time during which and the place or places where he has been actively engaged in practice,
   - (d) pay a fee on transfer which is not higher than the total fees required of those qualifying for practice in the normal way.

9. The Special Committee considers that as a prerequisite to a transfer from a common law Canadian jurisdiction to the Province of Quebec or from the Province of Quebec to a common law Canadian jurisdiction an applicant must:—
   - (1) (a) be a Canadian citizen;
     - (b) file a formal application;
     - (c) file a certificate of good standing from the Bar of the jurisdiction of which he is a member;
     - (d) be of good character and apparently fit to engage in the practice of law;

   (e) present evidence of any time during which and the place or places where he has been actively engaged in practice;
   (f) pay a fee on transfer which is not higher than the total fees required those qualifying for practice in the normal way.

 (2) If he has not completed three years of active practice
   (a) successfully complete a special one-year conversion course in the jurisdiction to which he is transferring;
   (b) successfully complete the Bar Admission Course of the jurisdiction to which he is transferring or its equivalent.

 (3) If he has engaged in actice practice for at least three years during the five years immediately preceding application
   (a) successfully complete a comprehensive examination in Civil Law or Common Law as the case may be;
   (b) successfully complete an examination in the statutes and procedures of the Province to which he is transferring.

10. The Special Committee considers that the Conference should recommend to the appropriate authorities that the requirements for transfer from the Territories of Canada to one of the Provinces of Canada should be governed by the requirements of resolutions 8 and 9.

3. *Occasional Appearances*

The following resolution was passed with respect to occasional appearances:—

RESOLUTION

11. Your Special Committee recommends that each provincial governing body make provision for occasional appearances within the province by a member of another bar in Canada to act as counsel in one, or, with the express permission of the governing body, more than one civil or criminal proceeding in which he is professionally qualified to act, including appearance as counsel before administrative tribunals, and in matters incidental to the proceedings, provided he

pay a fee not to exceed in any year the amount of the annual fee payable by a practising member of the Bar of the province in which he appears occasionally and also undertakes not to act otherwise as counsel in the province without proceeding under the relevant transfer regulations.

4. *Transfers from Jurisdictions outside Canada*

RESOLUTION

The following resolution was passed by the Special Committee:

12. A person transferring from a jurisdiction outside Canada to a Canadian jurisdiction shall be required:—

A. Upon application:

(1) to file a formal application,

(2) to file a certificate of good standing from the jurisdiction where he is entitled to practise,

(3) to present satisfactory evidence that he has been actively engaged in the practice of law for a period or periods totalling at least three years, and occurring in the five years immediately preceding his making formal application, and that such practice has been in a jurisdiction with established customs, practices and usages respecting the practice of law which are either the same, or substantially the same, as exist in the jurisdiction to which he is applying to transfer.

(4) to present proof that he has educational attainments equal to those of a graduate of an approved Canadian law school.
provided that an applicant who (i)

(a) is a solicitor who is entitled to practice in England, Northern Ireland, or the Republic of Ireland (Eire), or

(b) has been called to the bar and admitted as a solicitor in Australia or New Zealand, or

(c) is enrolled as a law agent in Scotland, or

(d) has practised at the Bar of England, Scotland, Northern Ireland, or the Republic of Ireland (Eire), for a continuous period of at least five years preceding his making formal application,

and (ii) successfully passes a comprehensive examination in common law, if he is applying to transfer to a common law jurisdiction, shall be considered as having satisfied the educational requirements of this paragraph.

B. Before being called to the Bar or admitted as a Solicitor:

(1) to present evidence that he is a Canadian citizen,

(2) to be of good character and apparently fit and competent to engage in the practice of law,

(3) to successfully complete the Bar Admission Course in the jurisdiction to which he is transferring, or its equivalent.

These resolutions were all adopted by the Conference of the Governing Bodies which resolved that they be referred to the various governing bodies of the legal profession in Canada with the recommendation that they be implemented.

Your Committee gave careful consideration to these resolutions and makes the following recommendations to Convocation:

1. That resolution 7 be adopted.
2. That resolution 8 be adopted provided "actively engaged in practice" means engaged in practice in a Province in which he is licensed to practise.

Your Committee also recommends that all who are called and admitted in Ontario hereafter be Canadian citizens, and, to effect this, that the Legislature of Ontario be asked to amend subsection (c) of Section 28 of the Law Society Act, to read:

"(c) The persons, being Canadian citizens or other British subjects who are members on the day this Act comes into force,

(d) the persons, being Canadian citizens,

(i) who after the day this Act comes into force successfully complete the Bar Admission Course and are called to the Bar and admitted and enrolled as solicitors, or

(ii) who after that day transfer from a jurisdiction outside Ontario and are called to the Bar and admitted and enrolled as solicitors."

and that subsection (d) be redesignated (e).

Your Committee further recommends that the fee payable by those transferring to practice in Ontario be the same as the applicant would have paid had he gone through the Bar Admission Course.

3. That resolution 9 be adopted.

Your Committee recommends that the Deans of the approved Law Schools be asked what they consider to be an appropriate one year conversion course.

Your Committee further recommends that the Conference of Governing Bodies be asked to specify what the comprehensive examination referred to, consists of.

4. Resolution 10 was that the Conference of Governing Bodies recommend to the appropriate authorities that the requirements for transfer from the Territories of Canada to one of the Provinces of Canada should be governed by the requirements of resolutions 8 and 9, so your Committee has no recommendation to make with respect to it.

5. Your Committee recommends that resolution 11 be adopted but that a provision be added that upon completion of the proceeding in respect of which the applicant was admitted to membership in the Society and called to the Bar and admitted as a solicitor he be deemed to have applied to the Society for permission to resign.

6. Your Committee recommends that resolution 12 be adopted in the following form:—(the changes from the original underlined)

Transfers from Jurisdictions outside Canada

12. A person transferring from a jurisdiction outside Canada to a Canadian Jurisdiction shall be required:—

A. Upon application:

(1) to file a formal application,

(2) to file a certificate of good standing from the jurisdiction where he is entitled to practice,

(3) to present satisfactory evidence that he has been actively engaged in the practice of law for a period or periods totalling at least three years, and occurring in the five years immediately preceding his making formal application, and that such practice has been in a jurisdiction with established customs, prac-

tices and usages respecting the practice of law which are either the same, or substantially the same, as exist in the jurisdiction to which he is applying to transfer,

(4) to present proof that he has educational attainments equal to those of a graduate of an approved Canadian law school,

provided that an applicant who —

(a) is a solicitor who is entitled to practise in England, Northern Ireland, or the Republic of Ireland (Eire), or

(b) has been called to the bar and admitted as a solicitor in Australia or New Zealand, or

(c) is enrolled as a law agent in Scotland, or

(d) has practised at the Bar of England, Scotland, Northern Ireland, or the Republic of Ireland (Eire), for a continuous period of at least five years preceding his making formal application,

....

....

.... shall be considered as having the educational attainments required by this sub-paragraph.

(5) *to pass a comprehensive examination in common law.*

B. Before being called to the Bar or admitted as a solicitor;

(1) to present evidence that he is a Canadian citizen.

(2) to be of good character and apparently fit and competent to engage in the practice of law.

(3) to *complete successfully* the Bar Admission Course in the jurisdiction to which he is transferring, or its equivalent.

This wording of resolution 12 has been changed editorially from the resolution adopted by the Conference, but since the changes are merely editorial the Secretary of the Conference has accepted the new wording in place of the old.

Your Committee also met on Thursday, the 12th of November, 1970, at 2:00 o'clock in the afternoon, the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, Callon, Finlayson, Lochead, Robins, Sheard and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular cases are now entitled to be called to the Bar and to be granted Certificates of Fitness:

Philip Anisman — Special — Faculty of Law, University of Western Ontario. Fee: $200.

Charles Thomas Asplund — Special — Faculty of Law, Queen's University. Fee: $200.

Donald Douglas Carter — Special — Faculty of Law, Queen's University. Fee: $200.

Lyman Rand Robinson — Special — Faculty of Law, Queen's University. Fee: $200.

Charles Gordon Simmons — Special — Faculty of Law, Queen's University. Fee: $200. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970

Under Bar Admission Course Regulations — Part II - No. 2

506. BAILEY, John Walter — B.A. Ottawa 1965; M.B.A. Queen's 1967; LL.B. Queen's 1970.
507. GAUM, Jack Alan — 3 yrs. Bus. Adm. St. Francis Xavier 1967; LL.B. Dalhousie 1970.
508. MCCULLOCH, David William — B.A. Western 1967; LL.B. Western 1970.
509. MCPHAIL, Ian Douglas Carlyle — B.A. Bishop's 1966; LL.B. York 1970.
510. MILNE, Blain William — B.A. Toronto 1967; LL.B. York 1970.
511. MOAD, George Arthur — B.A. New Brunswick 1966; LL.B. New Brunswick 1970.
512. SUZUKI, Barbara Ann Fuyeko — 2 yrs. Eng. & Hist. Western; LL.B. Western 1970.

Under Regulation No. 7

513. JUDGE, Thomas Russell — B.A. Acadia 1952; LL.B. Dalhousie 1955; Certified equivalent to 1970 requirements by Dean R. T. Donald, Dalhousie.

Under Regulation No. 8

514. McMAHON, Alexander Ian — Scotland. *Approved*

DIRECT TRANSFER FROM QUEBEC

Joseph R. Secter (B.A. University of Bucarest, Rumania, 1928; LL.B. University of Paris, France, October 1931), was called to the Bar and admitted as a solicitor of the Supreme Court of the Province of Quebec 23rd December 1960. Mr. Secter has been employed by the firm of Benson & Hedges (Canada) Limited as a lawyer on a full-time basis for almost ten years. He submits a Certificate of Good Standing from the Bar of the Province of Quebec, and seeks to proceed under Regulation 5. *Approved*

UNITED KINGDOM SOLICITOR

Peter Robin Andrew Rixon presents a current Practising Certificate from the Law Society of England. He seeks to proceed under Regulation 8. *Approved*

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Windsor, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200:

Margaret Eileen Hughes, B.A., LL.B. *Approved*

OCCASIONAL APPEARANCES

W. C. Kushneryk, Winnipeg, Manitoba, has applied to proceed under the Admissions Committee's Regulation 10 governing "Occasional Appearances in Ontario" of lawyers from other Provinces.

Your Committee recommends that the details and cost be explained to him and say that an application from Mr. Kushneryk would be entertained.

Moved by Mr. Steele, seconded by Mr. Howland, that clause 2(a) of Resolution 9 be amended by the insertion of the words "law of the" before the word "jurisdiction" in the second line thereof. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 12th November 1970, the following members being present: Messrs. Sheard (Chairman), Beament (Vice-Chairman), Callon, Fennell, Gray, Levinter, Pepper, Robins, Steele and R. F. Wilson.

Accounts

The Secretary reports that from the 1st October to the 31st October, 1970, accounts, including Library Accounts, properly approved, to the amount of $274,244.50 have been paid.
Approved

Financial Statement, 1st July to the 31st October, 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st October 1970. *Approved*

Rolls and Records

The Secretary reports:

1. *Deaths*

That the following former members of the Law Society have died:

Basil Douglas Hall, Peterborough (Hon. Life Member)	Called — 21 May 1909; Deceased — 6 June 1970.
Allan Edward Robinette, Q.C., Toronto	Called — 15 June 1939; Deceased — 19 October 1970.
James P. Arnott, Q.C., Toronto	Called — 17 Sept. 1931; Deceased — 30 October 1970.
Alexander M. Matheson, Q.C., Toronto	Called — 19 Nov. 1925; Deceased — 30 October 1970.
Harold M. Smith, Toronto	Called — 21 June 1923; Deceased — 2 Nov. 1970.
Herbert A. W. Plaxton, Aurora	Called — 20 October 1927; Deceased — 7 Nov. 1970.

2. *Disbarments*

That the following former members of the Law Society have been disbarred and struck off the rolls, and their names have been removed from the rolls and records of the Law Society:

Samuel Ciglen, Q.C., Toronto — Called — 20 June 1929; Disbarred — Convocation, 16 October 1970.

Alexander Robert Kaye, Toronto — Called — 21 June 1951; Disbarred — Convocation, 16 October 1970. *Noted*

MEMBERSHIP UNDER RULE 50 — Members who have retired or former members who have resigned

The following members or former members who are 65 years of age and fully retired, apply to be permitted to continue their membership in the Society under Rule 50 upon payment of an annual fee of $25:

Samuel Berger, Ottawa — Retired 1st October 1970.

Louis H. Carreau, Ottawa — Retired 1st July 1968.

John Richard Huffman, Toronto — Retired on or before May 14, 1960.

Clifford R. Magone, Don Mills — Resigned 11 January 1969.

W. L. A. Pope, Mississauga — Retired 30 April 1970.

Arthur W. Rogers, Caledon East — Resigned 21st March 1969.

David Sher, Toronto — Retired January 1966.

John Douglas F. Ross, Twp. of King — Retired 18th October 1964.

C. E. Smalley-Baker, Toronto — Retired 31st May 1958.

W. Merion Vickers, Toronto — Retired 31st December 1957.

Your Committee recommended approval of these applications, with the exception of those submitted by Mr. L. H. Carreau and Mr. David Sher, neither of whom appears to have fully retired.

SECTION 31, THE LAW SOCIETY ACT 1970

Membership in the Law Society

Under the present Law Society Act 1970 the membership of the following classes of persons have gone into abeyance:

(a) a full-time judge under any Act of the Parliament of Canada; or

(b) a full-time judge under The Provincial Courts Act, 1968 or The Division Courts Act; or

(c) the Senior Master or a full-time master or a full-time assistant master or a full-time local master of the Supreme Court or a full-time taxing officer.

Upon ceasing to hold such office, their membership shall be restored by giving notice in writing to such effect to the Secretary.

Formerly the names of Supreme and County Court Judges were removed from the Rolls and their files put in past records, and those of Magistrates remained on the Rolls provided they paid their fees as did those of the Masters and the Taxing Officer in Toronto. *Noted*

ARREARS OF FEES

Under the present Statute if a member fails to pay his fees within four months after the date when they fell due, Convocation may suspend his rights and privileges (Section 36).

Thirty-five members of the Society are in arrears of fees for 1969-70. Under the old Statute they would not have been liable to be suspended until they had been in arrears for two years.

The Secretary suggests that they should be given notice by letter of the provisions of the present Statute and warned that Convocation may suspend their rights and privileges at the end of January 1971. *Approved*

LIBRARIES AND REPORTING COMMITTEE

Re: Canada Supreme Court Reports

At its October meeting the Libraries and Reporting Committee approved, subject to the approval of the Finance Committee, a contract with the Registrar of the Supreme Court of Canada for the Canada Supreme Court Reports for the year 1970 et seq. at a cost of $4 per member per year.

This matter was considered when the annual fees were set, and it was not contemplated then that these Reports would be supplied to the profession.

Your Committee recommends that the suggestion be rejected.

Re: Providing Ontario Reports to Members under Rule 50

Members who come under Rule 50 may receive the Ontario Reports by paying extra. The Libraries and Reporting Committee recommend that the Ontario Reports be supplied at a nominal cost of $10 for the year to those who are paying a reduced annual fee under Rule 50, and who wish to purchase the Reports.

LONG-TERM SALARY CONTINUANCE INSURANCE AND PENSION PLAN

Mr. J. H. Thomson, Q.C., who was retained to advise the Society with respect to its Pension arrangements, and Mr. Robert Munro from William M. Mercer Limited attended to assist the Committee with respect to a Long-Term Salary Continuance Insurance proposal made by William M. Mercer Limited to complement the Society's Pension Plan, and with respect to a number of other questions concerning the Pension Plan itself.

Your Committee has instructed the Secretary to find out the cost of adminstering the Pension Plan (a) if William M. Mercer Limited are asked to do it; or (b) if Standard Life are asked to do it.

Your Committee recommends that Standard Life be advised that investment of the Pension Fund is their responsibility, and that the Society will review their performance from time to time.

The Department of National Revenue now require the type of pension plan the Society has to include provision for a lien on the funds of the plan in lieu of a guaranteed annuity. William M. Mercer Limited recommend that the Society's Plan be registered, if possible, in its present form, and your Committee accepts this recommendation.

Your Committee recommends acceptance of the William M. Mercer Limited proposal that a Long-Term Salary Continuance Insurance Plan be put into effect as recommended by Mercers in their report to the Society of July 10, 1970, and supplementary report of July 23, 1970, provided that 75% of the Society's employees favour it and agree to the necessary payroll deduction being made.

SOLICITORS LIABILITY INSURANCE COMMITTEE

P. D. Norman & Associates Ltd., Insurance Analysts, present an account for services dated November 2, 1970, for $3,314.50. *Approved*

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Nov. 20—His Honour Judge Waisberg requests permission to reserve the Barristers' Lounge and Convocation Hall for a dinner of the County and District Judges' Association of Ontario.

Nov. 23—The Taxation Section, C.B.A., request permission to reserve the Barristers' Lounge for a meeting on Monday evening, November 23rd.

Nov. 26—The County of York Law Association request permission to reserve Convocation Hall and the Barristers' Lounge for a dinner meeting on November 26th.

Dec. 8—The Medico-Legal Society request permission to reserve the Barristers' Lounge and Convocation Hall for a dinner meeting on December 8th. *Approved*

Re: Canada Supreme Court Reports: Moved by Mr. Beament, seconded by Mr. Gray that in place of the last two paragraphs under this item, the following be substituted:

> "This additional expense was not considered when the annual fees were set, and it was not contemplated then that these Reports would be supplied to the profession. Your Committee recommends that the suggestion be not approved." *Carried*

Moved by Mr. Ford, seconded by Mr. Pattillo, that the Report be amended by deleting the reference to the Supreme Court Reports, and that the matter be considered at the meeting of the Law Society Council. *Lost*

THE REPORT AS AMENDED WAS ADOPTED.

CONFERRING OF LL.B. DEGREES

Mr. Gray, Vice-Chairman, Legal Education Committee, presented to the Treasurer candidates for the degree of Bachelor of Laws who have elected to receive their degrees from the Law Society of Upper Canada. The Treasurer then conferred upon the following the degree of Bachelor of Laws:

Ian Stuart Hennessey
John Alexander Kilgour.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Philip Anisman — Special — Professor, Faculty of Law, University of Western Ontario.

Charles Thomas Asplund — Special — Professor, Faculty of Law, Queen's University.

Donald Douglas Carter — Special — Professor, Faculty of Law, Queen's University.

Lyman Rand Robinson — Special — Professor, Faculty of Law, Queen's University.

Charles Gordon Simmons — Special — Professor, Faculty of Law, Queen's University.

DISCIPLINE COMMITTEE—Mr. Evans

Your Committee met on Thursday, November 12th, 1970, at 10:30 o'clock in the forenoon, the following members being present: Mr. F. J. L. Evans, Chairman, and Messrs. Beament, Cass, Finlayson, Ford, Gray, H. E. Harris, Levinter, Lochead, Pepper, Slemin, Steele, Strauss and Thom.

COMPENSATION FUND

At its meeting on July 26th, 1966, Convocation adopted, inter alia, the following principle to be followed when making payments out of the Compensation Fund:

> "Where money supposedly invested has been misappropriated all payments received from the solicitor after the investment should have been made must be deducted from the claim even though the client thought he was receiving payment of interest on a valid investment. . . ."

At a recent Compensation Fund hearing, submissions were received by three members of the Committee, sitting as a quorum, from various counsel representing applicants, that in making awards out of the Fund monies previously received by the applicant from the defaulting solicitor as interest be not deducted from any payment out of the Fund. Your Committee considered a memorandum submitted by the Society's counsel and recommends that the above principle be amended by deleting the word "all" from the second line and changing the word "must" to the word "may" in the third line thereof to read as follows:

> "Where money supposedly invested has been misappropriated payments received from the solicitor after the investment should have been made may be deducted from the claim even though the client thought he was receiving payment of interest on a valid investment. . . ."

Moved by Mr. Thom, seconded by Mr. O'Brien, that the Committee's recommendation be amended to read:

> "Where money supposedly invested has been misappropriated, as a general rule payments received from the solicitor after the investment should have been made, should be deducted from the claim subject to relief in special cases of hardship where the client thought he was receiving payment of interest on a valid investment. . . ."
>
> *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

RE: SOLICITOR

The following Notice of Complaint was served upon the solicitor:

"TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:

1. Have not replied to letters from the Law Society of Upper Canada in connection with a Complaint [by A] about your professional conduct."

The Notice of Complaint was made returnable on July 14th, 1970, at 10:00 o'clock in the forenoon. Your Committee met at the appointed time, composed of Mr. Gordon Ford, Chairman, and Messrs. Common and W. E. Harris. The solicitor did not attend.

Clare Scott, Assistant Secretary of the Society, produced a statutory declaration of Thomas H. Hocking, an employee of the Society, wherein he declared that he had mailed to the solicitor a true copy of the Notice of Complaint by prepaid registered mail on the 26th June, 1970, addressed to the solicitor at his last-known office address. He also produced a post-office acknowledgment of receipt card which bore initials purporting to be those of the solicitor. The declaration was accepted as proof of service of the Notice of Complaint on the solicitor.

Mr. Scott further testified that:

(1) The Society had received a letter from [A], dated 14th March, 1970, complaining about the manner in which the solicitor had been handling her aunt's estate and as to the length of time being taken.

(2) On the 24th March, 1970, the Society forwarded to the solicitor a copy of [A's] letter of the 14th March, 1970, and asked for his comments. No reply was received.

(3) On the 7th April, 1970, the Society again wrote the solicitor requesting a reply to its letter of the 24th March, 1970. No reply was received.

(4) On the 21st April, 1970, the Society again wrote to the solicitor requesting a reply to its letters of the 24th March and 7th April, 1970. In this letter the Society informed the solicitor that, failing a reply by the 1st May, 1970, the matter would be referred to the Chairman of the Discipline Committee for instructions.

(5) On the 4th May, 1970, the Society received a reply from the solicitor reading as follows:

> "Further to our telephone conversation of this day please be assured that all work in connection with the completion of the Estate should be completed by me within the next 2 weeks."

(6) On the 8th May, 1970, the Society received a further letter of complaint from [A] and on the 12th May, 1970, forwarded a copy of it to the solicitor, in which he was asked to confirm that all legal work in connection with the Estate had been completed. The solicitor did not reply.

(7) On the 20th May, 1970, the Society again wrote the solicitor requesting a reply to its letter of the 12th May, 1970. No reply was received.

(8) On the 28th May, 1970, the Society again wrote to the solicitor requesting a reply to its letters of the 12th May and 20th May, 1970. No reply was received.

(9) The Notice of Complaint was accordingly issued and served.

Your Committee on the evidence before it finds the Complaint to be established and recommends that the solicitor be reprimanded in Convocation and that the fact of, and the reasons for, the reprimand be published but that the solicitor's name be omitted.

Moved by Mr. Evans, seconded by Mr. Ford, that the Report be adopted.

The solicitor attended without counsel and made submissions. The solicitor then retired.

The report was adopted.

The solicitor returned and was reprimanded by the Treasurer.

RE: SOLICITOR

The following members were not present when the matter was considered at the October Convocation, and took no part: Messrs. Fennell, Finlayson, H. E. Harris, Levinter, O'Brien and Slemin.

The solicitor attended with his counsel. The solicitor submitted that he is now associated with [the member of the Society who appeared as his counsel] as his employee in [the counsel's firm], subject to the disposition to be made by the Society of the matter before it.

Counsel for the solicitor addressed Convocation. Counsel for the solicitor stated his willingness to give certain undertakings and asked that if the solicitor is to be allowed to join his firm, no publication be made of the disciplinary action taken by Convocation.

Moved by Mr. Gray, seconded by Mr. MacKinnon, that the Report be amended to provide that the solicitor be reprimanded in Convocation without publication, but with payment of the Society's costs, upon the following undertakings being given to Convocation by the solicitor's counsel on his own behalf and on behalf of his partner:

(1) That he will employ the solicitor in his firm;

(2) That he or someone in his firm will review the files [the solicitor] brings with him.

(3) That he or someone in his firm will periodically review the solicitor's work; and

(4) That he will inform the Society if [the solicitor] should terminate his relationship with his firm.

and upon the following undertakings being given to Convocation by [the solicitor]:

(1) That he will take employment with [the firm specified];

(2) That he will diligently practise in that firm subject to supervision;

(3) That he will not practise otherwise without the express authority of Convocation. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

The solicitor and his counsel returned and each gave his undertakings. Counsel then retired and the solicitor was advised of the amendments Convocation had made, and was reprimanded by the Treasurer.

RE: FRANK CLAIR LIVELY, Toronto

The following Complaint was sworn and filed in the office of the Secretary on the 8th day of October, 1970. A copy of this Complaint together with a notice of the time and place of hearing was served on the solicitor by prepaid registered post. The hearing was scheduled for Monday, 19th day of October, 1970, at 10:00 in the forenoon.

> "The Complaint of John H. Lytle of the Municipality of Metropolitan Toronto, in the County of York, Barrister and Solicitor.
>
> The complainant says:
>
> 1. that he is an Assistant Secretary of the Law Society of Upper Canada;
> 2. that he has reasonable and probable grounds to believe and does believe that FRANK CLAIR LIVELY is guilty of professional misconduct in that on the 28th day of August, 1970, before His Honour Judge Graburn in the County Court Judges' Criminal Court in the County of York at Toronto, Ontario, the said FRANK CLAIR LIVELY pleaded guilty and was convicted of the following offence:
>
>   THAT he in the year 1969, at the Municipality of Metropolitan Toronto, in the County of York, by deceit, falsehood or other fraudulent means, defrauded the Canada Permanent Trust Company of $2,246.32 in money more or less, contrary to Section 323 of the Criminal Code of Canada;
>
>   and the following punishment was imposed upon him, namely:
>
>   "Imprisonment for twelve (12) months;
> 3. that he has reasonable and probable grounds to believe and does believe that FRANK CLAIR LIVELY is guilty of conduct unbecoming a barrister and solicitor in that on the 28th day of August, 1970 before His Honour Judge Graburn in the County Court Judges' Criminal Court in the County of York at Toronto, Ontario, the said FRANK CLAIR LIVELY pleaded guilty and was convicted of the following offence:
>
>   THAT he in the year 1969, at the Municipality of Metropolitan Toronto, in the County of York, by deceit, falsehood or other fraudulent means, defrauded the Canada Permanent Trust Company of

> $2,246.32 in money more or less, contrary to Section 323 of the Criminal Code of Canada;

and the following punishment was imposed upon him, namely:

> Imprisonment for twelve (12) months."

Your Committee consisting of Messrs. Strauss (Chairman), McLaughlin, and Thom met at the appointed time and the matter proceeded. Mr. C. I. Scott, Q.C., attended as counsel for the Society. Mr. R. Roy McMurtry attended as counsel for the solicitor. Mr. McMurtry advised your Committee that the solicitor was not present but that he, Mr. McMurtry, was prepared to proceed in his absence. On the solicitor's instructions Mr. McMurtry admitted that the Complaint filed with the Society was properly served on the solicitor and admitted that the allegations made in it were accurate.

Mr. Scott for the Society filed as an exhibit a Certificate of Conviction dated 1st day of October, 1970, and signed by Mr. M. Piper, Clerk of the Peace, County of York. This Certificate showed that on the 28th day of August, 1970, Frank Clair Lively was convicted of the offence of fraud under Section 323 of the Criminal Code and was sentenced to imprisonment for a period of twelve (12) months. Mr. Scott also filed as an exhibit a certified true copy of an Indictment in a proceeding in the County Court Judges' Criminal Court for the County of York between Her Majesty the Queen and Frank Clair Lively. The endorsement thereon of the presiding Judge showed that the accused pleaded guilty to the second count in the Indictment which formed the basis of the Complaint filed with the Society.

Mr. Scott then filed as an exhibit a transcript of the proceedings between Her Majesty the Queen and Frank Clair Lively before His Honour Judge Graburn on the 28th day of August, 1970. Mr. Scott also filed a transcript of the Reasons for Sentence of His Honour Judge Graburn handed down on the 21st day of September, 1970. Both transcripts were certified correct by the respective court reporters and Mr. McMurtry for the solicitor took no objection to their being placed in evidence.

Mr. Scott advised your Committee that the purpose of filing these transcripts was to have before your Committee evidence of the circumstances leading to the solicitor's conviction. Mr. McMurtry for the solicitor advised your Committee that there was no dispute respecting the facts leading to the solicitor's conviction and that the transcripts which were filed accurately set them out.

Mr. McMurtry adduced no evidence. He wished to bring to the Committee's attention, however, those portions of the transcript which showed that the solicitor had an alcoholic problem during the time of his offence. Mr. McMurtry also told your Committee that the solicitor had made restitution of the monies in question.

Your Committee finds as a fact, that the solicitor was convicted of the offence of fraud as spelled out on the Complaint referred to and on the basis thereof finds the solicitor guilty of professional misconduct and conduct unbecoming a Barrister and Solicitor. Your Committee recommends that the solicitor be disbarred as a Barrister and that his name be struck off the Roll of Solicitors.

Mr. Frank Clair Lively was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 13th day of April, 1962.

The solicitor did not attend, but Mr. Roy McMurtry attended as his counsel and confirmed that the solicitor had received a copy of the Discipline Committee's Report, that he did not wish to be present, and had authorized Mr. McMurtry to attend before Convocation on his behalf.

Mr. McMurtry then retired.

The Report was adopted.

Mr. Maloney took no part in the discussion and did not vote.

Mr. McMurtry was recalled while the following formal motion was made by Mr. Evans, seconded by Mr. MacKinnon:

1. That the decision of the Discipline Committee dated the 30th day of October, 1970, in the matter of FRANK CLAIR LIVELY, a Barrister and Solicitor, wherein the said FRANK CLAIR LIVELY was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor be adopted and confirmed and that Convocation do cancel his membership in the Society by disbarring him as a barrister and striking his name off the roll of solicitors. *Carried*

CONVOCATION ADJOURNED AT 12:30 FOR LUNCHEON.

The Treasurer and Benchers entertained as their special guests at luncheon Chief Justice Day of the Eighth Appellate

District of the Court of Appeals of Ohio, the Honourable Mr. Justice Hartt, Professor John G. Day, and Mr. S. A. Caldbick, Q.C., Senior Advisory Crown Attorney for Ontario.

Convocation resumed at 2 p.m., the following members being present: The Treasurer and Messrs. Beament, Cass, Evans, Fennell, Finlayson, Ford, Gray, H. E. Harris, Henderson, Levinter, McLaughlin, O'Brien, Pattillo, Raney, Seymour, Sheard, Slemin and Steele.

ORDERS

The Secretary presented the following Orders which are entered on the Minutes of Convocation:

Re: Samuel Ciglen

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF SAMUEL CIGLEN, A BARRIETER-AT-LAW
AND ONE OF THE SOLICITORS OF THE SUPREME COURT
OF ONTARIO.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said Society did on the 16th day of October, 1970, disbar the said Barrister-at-law and resolve that he is unworthy to practise as a Solicitor,

THEREFORE THIS COURT DOTH ORDER that the said SAMUEL CIGLEN be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 19th day of October, 1970.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario.

entered at Toronto
Recorded
on Film No. 214
as Document No. 1332
on Oct 19 1970
E.McB.

Re: Alexander Robert Kaye

IN THE SUPREME COURT OF ONTARIO
IN THE MATTER OF ALEXANDER ROBERT KAYE,
A BARRISTER-AT-LAW AND ONE OF THE SOLICITORS
OF THE SUPREME COURT OF ONTARIO.

WHEREAS it has been certified by the Assistant Secretary of The Law Society of Upper Canada to the Registrar of the Supreme Court of Ontario that the Benchers of the said

Society did on the 16th day of October, 1970, disbar the said Barrister-at-law and resolve that he is unworthy to practice as a Solicitor.

THEREFORE THIS COURT DOTH ORDER that the said ALEXANDER ROBERT KAYE be struck off the Roll of Barristers and Solicitors of this Court.

DATED this 19th day of October, 1970.

Entered at Toronto
Recorded
on Film No. 214
as Document No. 1333
on Oct 19 1970

E. McB.

"Gordon F. Beddis"
Registrar,
Supreme Court of Ontario.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 12th day of November, 1970, at 9:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Callon, Evans, Ford, Gray, Slemin and Strauss.

1. RULING 16—DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

Your Committee received an enquiry from a lawyer who practises in a small Ontario community. Each year at Christmas he has sent out Christmas cards to those persons and businesses with whom he has dealt during the year, such as business suppliers, printing firms, registry and court offices and others. The question put to your Committee was whether it would be proper for the Christmas card to include a group picture of the solicitor and his staff. The Secretary has been instructed to advise that in the Committee's opinion such inclusion would be improper. It is not the type of card envisaged as being permissible by Ruling 16 of the Rules of Professional Conduct.

2. INTEREST ON OVERDUE ACCOUNTS

At its April, 1970, meeting your Committee considered an enquiry from a member of the Society. He asked if there was any prohibition on a lawyer charging an interest rate on overdue accounts. The Committee, in its report to Convocation advised that it had instructed the Secretary to inform the lawyer there was nothing in the Society's rules prohibiting a lawyer charging such interest. It was pointed out to the lawyer, however, that the Committee was not expressing an opinion as to whether the lawyer had legal right so to charge. When the Committee's report was considered at Convocation one of the Benchers suggested that the right of a solicitor to charge interest on unpaid accounts might result in income tax implications. The matter was then referred back to the Committee.

Previously, in 1965, when asked if it would be unprofessional for a lawyer to put at the bottom of his standard fee billing "six percent per annum charged on outstanding balance of accounts not paid within sixty days", the Committee had expressed the opinion that it was not in keeping with the dignity of the profession and the lawyer was so advised.

Your Committee realized that there may be matters of substantive law involved with respect to the member's enquiry and therefore asked counsel for an opinion. This opinion has been received.

Your Committee reaffirmed the opinion it expressed in 1965 that the general wording on all accounts sent out by a lawyer to the effect that "interest will be charged on overdue accounts" is not in good taste and would be considered improper. The Committee wishes to point out that members of the profession may have a right in certain circumstances to charge interest on delinquent accounts and in this connection would refer the profession to Section 64 of The Solicitors Act, R.S.O. 1960, Chapter 378. In addition, the Committee would draw the attention of the profession to the following cases: *Toronto Railway Company v. City of Toronto* (1906), A.C. 117; *McCullough v. Newlove*, 27 O.R. 626; *Murphy v. Corry*, 7 O.W.R. 626; *McArthur v. Banman*, 1922, 70 D.L.R. 81.

3. MISCELLANEOUS

A lawyer from a Western Ontario law firm has advised your Committee that his firm is the donor of a scholarship to a student graduating from a local high school. In the programme of Convocation the donor's name would be shown. Your Committee was asked if this was proper. The Secretary was instructed to advise the lawyer that in its opinion there was nothing improper in this being done.

4. ADJOURNMENTS

The Treasurer referred to your Committee a letter from the Chief Judge of the Provincial Courts (Criminal Division) concerning the problem of remands and adjournments necessitated by the absence of the counsel for the accused and the various circumstances under which such remands and adjournments occur. The matter was discussed at length. Your Committee is of the opinion that the decision of the Court of Appeal in *The Queen against Orma Dorine Murphy* to which Chief Judge Klein made reference should be published. Your Committee was also of the view that the attention of the profession should be drawn to the directive in Ruling 1 of the Professional Conduct Handbook — Canons of Ethics, section 2(1), namely, that portion which reads that a lawyer "should maintain towards the Judges of the Courts a courteous and respectful attitude", and that a breach of this Ruling might be considered as professional misconduct. Your Committee was of the opinion that the best way to so inform the profession was to publish an article in the "Gazette" as soon as possible setting out the above decision, making reference to the forementioned Ruling and generally dealing with the problems and responsibilities of counsel.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE—Mr. Pattillo

Your Committee reported to Convocation in April of this year that two insurance plans could be offered the profession. Plan "A" covering any member practising alone or any firm or its salaried lawyers as a group for $100,000 per occurrence at an annual cost per member at a deductible $2,000 for $105 or a deductible of $5,000 for $85.

Plan "B" differed from Plan "A" in that it would provide for the coverage of individuals to be stacked for the purpose of any occurrence and for a partnership itself to be covered as if it were an additional member of the firm. The cost per member for this Plan at a deductible of $2,000 was $130 or if the deductible be $5,000 a premium of $102.

Quotations on excess insurance were received from two firms on the $400,000 in excess of $100,000 of $30 from one company and $33 from the other.

On Convocation's direction a questionnaire was submitted to the profession asking whether it approved adopting a plan for compulsory Errors and Omissions Insurance coverage of $100,000 per occurrence; whether they preferred a deductible of $5,000 or $2,000 and which of the two plans offered they preferred. The results of the questionnaire showed an overwhelming preference for a deductible of $2,000 but an almost even division between Plan "A" and Plan "B".

In the circumstances your Committee found it difficult to recommend to Convocation that either Plan be made compulsory and sought the advice of Mr. Peter Norman, an Insurance Consultant who had assisted the Law Society of British Columbia in bringing its plan into operation and has also helped the Law Society of Alberta.

Your Committee has met three times with Mr. Norman and is now in a position to recommend to Convocation a plan differing somewhat from either Plan "A" or Plan "B", but offering substantially the same coverage at a slightly lower cost.

Mr. Norman, who is not an insurance broker, has worked closely with the Society's brokers, Reed, Shaw, Osler Limited and has canvassed extensively both the British and North American insurance markets. The Treasurer was present at each of the three meetings referred to on October 14th and the 6th of November when Messrs. Pattillo and MacKinnon were present and on the 19th of November when Messrs. Pattillo, MacKinnon and R. F. Wilson were present as well as Mr. Peter Norman, Mr. Peter Armour of Reed, Shaw, Osler Limited and Mr. Cross also of Reed, Shaw, Osler Limited.

Your Committee unanimously recommends:

1. A basic limit of $100,000 per occurrence with no "stacking" subject to a deductible of $2,000 with legal costs being subject to the deductible;
2. That subject to approval of the wording of the policy a contract be entered into with Guardian Assurance at an annual premium per practising member of $89.50;
3. That each practising member of the Society be charged $110 for coverage, the balance of $20.50 being for:

(1)	Brokers fees	$4.50
(2)	Adjusting	7.00
(3)	Reserve fund and fluctuation in premium	9.00;

4. That claims adjustment be handled by a selected firm competent in this area;
5. That excess insurance be made available through the Society for the $400,000 in excess of $100,000 at an annual cost per practising member of $30 or for the $900,000 in

excess of $100,000 at an annual cost per practising member of $45. Your Committee has been advised that the St. Paul Group is prepared to offer excess insurance in those amounts at those prices. The Company would reserve the right to refuse or cancel excess coverage. Mr. Norman has suggested that a large firm seek privately to obtain excess coverage for the partnership rather than for each member of the partnership.

Your Committee further recommends that the Treasurer be authorized to send a letter to each member of the Society reporting on the progress which has been made since the questionnaire was sent out and explaining the insurance arrangements your Committee believes Convocation should make compulsory for all practising members.

Your Committee recommends that the insurance come into force on the 1st January, 1971, and that the members to be covered be billed by the Society shortly after the Treasurer's explanatory letter has been sent.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 12th of November, 1970, the following members being present: Messrs. Steele (Chairman), Ford, Harris and Cassels, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st October, 1970, are as follows:

Great Library

	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	14,347.13	36,064.36	313.93 Cr.

Special Account

Estimates	$23,472.52
Expenditures	872.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	$18,000.00	$10,500.00
Expenditures	8,772.19	1,978.82

Approved

DONATIONS

Donations of books have been received from the following:

Mr. James R. Braden — A total of 10 volumes of Canadian Law Texts.

Canadian Bar Association (Ontario Section) — A total of 30 volumes of the *Proceedings of the Canadian Bar Association* from vol. 4, 1919, to vol. 40, 1957, and loose parts of the *Canadian Bar Journal* from vol. 1 to 10.

Mr. Henry S. Gooderham — A copy of the *Ontario Game and Fish Commission Report of 1892.*

Mr. Donald R. Walkinshaw, Q.C. — A total of 76 volumes of the *Statutes of Canada,* the *Statutes of Ontario*, the *Index to Dominion Legislation*, 1867-1941 and the *Canadian Encyclopedic Digest* (Ontario edition), 1926-33.

York County Court House, Judges' Secretaries Office — A total of 6 volumes of the *Canada Law Reports Exchequer Court,* 1963-1968.

All of the donors have been suitably thanked. *Noted*

FIRE DAMAGE

On Friday, 16th October, 1970, a fire occurred in the basement of the west wing of Osgoode Hall where renovations are taking place. Some smoke damage occurred to the walls of rooms on library premises but there was no damage to any books. The matter is with the Society's insurance adjusters.

Noted

BOOK LIST

A list of books recently purchased was approved by your Committee.

REPORTING

ONTARIO REPORTS — *Free List*

Pursuant to Section 24(1) of the Regulations of The Law Society Act, 1970, your Committee recommends that copies of the Ontario Reports be provided to the following at the Society's expense:

County and District Law Associations — 56 copies

1 copy to each Association with the exception of the following, each of which shall receive more than one copy as noted, namely: Carleton (2), Cochrane (2), Essex (2), Hamilton (2), Middlesex (2), York (6).

1 copy to each Judge of the Supreme Court of Canada and the Exchequer Court of Canada and each Judge of the Supreme Court of Ontario — 54 copies.

1 copy to each Judge of the County and District Courts of Ontario — 94 copies.

1 copy to each of the following as part of an Exchange Programme with the Great Library:

(1) Chief Registrar of the Supreme Court of Cyprus.

(2) Institute of Advanced Legal Studies, London, Eng.

(3) Deputy Registrar, High Court of Judicature, Appellate Side, High Court, Madras, India.

(4) Law Library, Supreme Court House, Adelaide, South Australia.

(5) Legislative Library, Parliament Buildings, Toronto.

(6) Montreal Bar Library, Montreal.

(7) New York State Library.

(8) British Caribbean Court of Appeal, Bridgetown, Barbados.

(9) Registrar, High Court, Punjab, Chandigarh, India.

15 copies to Great Library, Osgoode Hall, Toronto.

3 copies to Judges' Library, 145 Queen St. West, Toronto.

1 copy to the Registrar, Supreme Court of Canada, Ottawa.

1 copy to the office of Mr. Robert A. Anderson, Q.C., Osgoode Hall, Toronto (Society's Accountant).

1 copy to the Law Society's Reports Office, Osgoode Hall, Toronto.

Your Committee recommends that the practice of providing the following persons with the Reports at the Society's expense be discontinued. These persons have been receiving them at the Society's expense up to the present:

Registrar of the Supreme Court of Ontario (Mr. Beddis).

Registrar of the Surrogate Court of the County of York (Mr. Ridout).

Local Registrar of the Supreme Court of Ontario for the County of Carleton (Mr. D. T. Elliot).

Director of the Bar Admission Course (Mr. MacDonald).

Registrar of the Bar Admission Course (Mrs. Knox).

Your Committee also considered whether the Reports should be provided at the Society's expense to each Judge appointed under The Provincial Courts Act, 1968, and to each full-time Master of The Supreme Court of Ontario. There are 92 Provincial Court Judges and about 15 Masters who would be affected. Under The Law Society Act as it was before the new legislation came into force on 1st October, 1970, both these classes of persons remained members of the Law Society. Under The Law Society Act, 1970, their membership is in abeyance while they continue to hold office. Your Committee recommends against providing Reports to these persons at the Society's expense and has instructed its Secretary to discuss the matter of payment with the Department of Justice for Ontario.

THE LIBRARIES AND REPORTING COMMITTEE

Mr. Steele

Your Committee met on Friday, the 20th day of November, 1970, the following members being present: Messrs. Steele (Chairman), Ford, Strauss and H. E. Harris. Mr. Beament of the Planning Committee also attended.

REPORTING

Your Committee considered a request received from Queen's University for permission to use the Ontario Reports in its research of the Computer. Your Committee has now received advice from Counsel and recommends that such permission be granted on the terms set out in the attached contract subject to there being inserted in this contract a general indemnity clause protecting the Law Society.

MEMORANDUM OF AGREEMENT DATED
THE DAY OF 1970

BETWEEN:

THE LAW SOCIETY OF UPPER CANADA
(hereinafter referred to as "the Law Society")
OF THE FIRST PART,

and

QUEEN'S UNIVERSITY AT KINGSTON
(hereinafter referred to as "the University"),
OF THE SECOND PART.

WHEREAS the University has been engaged in a program of research concerning the possible applications of computing to legal materials; and

WHEREAS the University is co-operating with other Ontario law schools in the testing of a network of computer terminals providing legal information retrieval for the purposes of teaching and research; and

WHEREAS the University wishes to obtain a machine-readable copy of the Ontario Reports for use within these research programs;

Now Therefore This Agreement Witnesseth that the parties hereto, in consideration of the covenants hereinafter contained, covenant and agree with each other as follows:

1. The Law Society agrees to permit the University to use or reproduce any material forming part of or pertaining to the Ontario Reports concerning which the Law Society has rights, for purposes of research, teaching and experimentation only; provided that the Law Society shall have the right to terminate such permission for any reason on reasonable notice in writing to the University.
2. The University agrees to seek research grants or other funding to permit the conversion into machine-readable form and the proofreading and correcting of the aforesaid materials.
3. The University agrees to deliver a monthly progress report to the Law Society, which report shall describe the extent of the conversion, proofreading and correcting completed to the date of the report.
4. The University agrees not to permit the participation of other parties in the uses permitted hereunder without the written approval of the Law Society.

In Witness Whereof this Agreement has been executed by the parties hereto under their respective seals duly affixed by their officers authorized in that behalf.

Signed, Sealed and Delivered) The Law Society of
in the presence of) Upper Canada
)
) ....
) ....
)
) Queen's University
) at Kingston
....
....

THE REPORT WAS ADOPTED.

LEGAL AID PROGRAMME COMMITTEE—Mr. Callon

Your Committee met on Friday, the 13th day of November, 1970, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Cass, Fairbairn, Gray, Levinter, Lochead and Robins.

G. Arthur Martin, Q.C., Treasurer, attended the meeting.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of September, 1970.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for six months ended September 30th, 1970.

(b) The Controller submitted statements for the month of October and November, 1970, with respect to professional fees paid solicitors for special services rendered the Ontario Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for three months ended October 31st, 1970.

(b) The Legal Accounts Officer submitted a report for the month of October, 1970, with respect to reviews and appeals.

STUDENT LEGAL AID SOCIETIES

1. (a) Lyle S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, submitted a report to the Committee.

Your Committee approved the Sub-Committee's recommendation that Section 78 of the Regulation be amended to provide for court appearances by second-year law students but such appearances would only be made by students who had received the requisite approval from their law school Dean.

Your Committee passed the following motion:

> "The Committee approves in principle court appearances by second year law students with proper safeguards; and instructed that all necessary amendments to the Regulation be made." *Carried*

(b) Your Committee also approved the Sub-Committee's recommendation that Section 23(a) of the Legal Aid Act be amended to provide for privilege in the communications between members of a Student Legal Aid Society and a recipient of this form of Legal Aid.

Your Committee recommended that the appropriate amendments be made to Section 23(a) of the Legal Aid Act.

2. Your Committee approved the establishment of a Student Legal Aid Society at the University of Windsor to operate under Sections 77 and 78 of the Regulation as set

out in the memorandum on the proposed organization of the Student Defender Programme at the University of Windsor.

However, your Committee approved the memorandum subject to the deletion of the phrase "Student Defender Programme". The Director was instructed to request the Dean to remove from the application the reference to "Student Defender Programme" and insert the phrase "Student Legal Aid Society".

The Legal Aid Committee's approval also carried with it the following four conditions:

1. The Society should make arrangements with the local area director for each applicant who is referred to the Student Legal Aid Society to bring with him a "certificate of referral" signed by the Area Director or a person authorized by him.
2. Before undertaking any service with respect to an applicant so referred, the Society should ensure that each applicant signs a consent form, to be maintained on file, which clearly indicates that any assistance rendered to the applicant by the Society is to be provided by a law student and not a practising solicitor. A copy of the consent should be provided to the applicant.
3. The Society should, under the signature of a faculty member, provide the Provincial Director (with a copy to the Area Director) with a monthly report setting out the number and nature of the matters dealt with by the Society and the manner of their disposition.
4. At the conclusion of the first six months of operation of the Society or at the end of the academic year in which it commenced operation, whichever comes first, a report summarizing the operation of the Society during the first six month period should be provided to the Provincial Director by the Dean with his comments, if any.

CORRESPONDENCE

Your Committee reviewed correspondence from Chief Justice Gale with respect to the unnecessary ordering of transcripts in criminal appeals.

The Chief Justice is of the opinion that it is not necessary in every criminal appeal to obtain the complete transcript of the evidence.

Your Committee was of the opinion that a memorandum should be forwarded to the Area Directors requesting them to draw to the attention of their Area Committee the fact that the court has power under Section 588(2) of the Criminal Code to dispense with ordering of transcripts in cases where the appeal might be argued without the entire transcript.

The Director was instructed to write the Chief Justice thanking him for his letter and advising that a memorandum will be forwarded to the Area Directors drawing their attention to the above noted provision of the Criminal Code.

THE LEGAL AID COMMITTEE

Section 2 of Ontario Regulation 257/69 reads as follows:

> "2. Until it is discharged by the Benchers of the Law Society, the special committee of the Law Society known as The Legal Aid Programme Committee shall carry out the duties required by this Regulation to be performed by the Legal Aid Committee."

Your Committee recommends that the Legal Aid Programme Committee be discharged forthwith and that the Legal Aid Committee be appointed as set out under Rule 47 made under the authority of the Law Society Act, 1970, and that members of the Law Society not being Benchers who are members of the Legal Aid Programme Committee be forthwith appointed members of the Legal Aid Committee.

The members of the Law Society who are not Benchers but who are members of the Legal Aid Programme Committee are as follows:

S. A. Caldbick, Q.C.
L. S .Fairbairn
Gordon P. Killeen
W. R. Poole, Q.C.

WRIT OF MANDAMUS

The Director informed the Committee that he was served with a Notice of Motion for Writ of Mandamus requiring him to issue a legal aid certificate to an applicant who had been refused Legal Aid.

Claude R. Thomson, Solicitor, was retained to represent the Director at the hearing.

In his judgment the Honourable Mr. Justice Keith stated: "It is my view that this Court has no jurisdiction (except in circumstances that are not present in this case) to make an order of mandamus with respect to matters that are discretionary in the administrative field. The Director of Legal Aid is responsible to carry out his duties in accordance with the Legal Aid Act and there is no evidence that he has been remiss in any way. The application is therefore dismissed."

SURVEY MADE AT THE REQUEST OF G. ARTHUR MARTIN, Q.C., TREASURER

Mrs. A. C. Rosenthal, Assistant Provincial Director, submitted to the Committee an analysis of a number of legal aid criminal accounts which was requested by Mr. Martin.

The results of the analysis indicate whether lawyers are unnecessarily electing to a higher court, the number of acquittals and convictions in various courts, the number of pleas of guilty and not guilty, etc.

The survey was discussed by the Treasurer and the Committee and it was recommended that it be set over for further consideration.

APPOINTMENT OF DEPUTY AREA DIRECTOR — YORK COUNTY

Your Committee approved the appointment of John B. Allen, Solicitor, subject to Section 3 of the Legal Aid Act, as Deputy Area Director, York County, effective November 23rd, 1970, at a commencing salary of $18,000 per annum.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Nipissing District
John Inch, Crown Attorney.

The following *resignations* were noted:

Nipissing District
Hector Soubliere.

Wentworth County
Dean Ivor Wynne, McMaster (deceased).

THE REPORT WAS ADOPTED.

Moved by Mr. Beament, seconded by Mr. Gray, that the Legal Aid Programme Committee be forthwith discharged.

Carried

Moved by Mr. Beament, seconded by Mr. Gray, that Messrs. S. A. Caldbick, Q.C., L. S. Fairbairn, G. P. Killeen and W. R. Poole, Q.C., be appointed to the Legal Aid Committee.

Carried

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 12th day of November, 1970, the following members being present: Mr. Strauss, Chairman, and Messrs. Callon, Cass, Fennell, Lochead and Steele.

Four files were referred to Counsel for investigation and with authority to prosecute if he deems it advisable. Each file concerns non-solicitors acting on real estate transactions. One non-solicitor is a Justice of the Peace and one is a Commissioner for Oaths. The other two matters were referred to the Society by the Hamilton Law Association. This Association is continuing its investigation of each of these two matters.

THE REPORT WAS ADOPTED.

COMMITTEE MEMBERSHIP

Moved by Mr. Gray, seconded by Mr. O'Brien, that Mr. G. D. Finlayson, Q.C., be appointed to the following Committees:

Legal Education Committee
Admissions Committee
Discipline Committee. *Carried*

SPECIAL COMMITTEE ON H. G. FOX EDUCATION FUND

The Treasurer announced the appointment to the Special Committee on the H. G. Fox Education Fund of the following: Messrs. Sheard (Chairman), Pepper and Robins.

Moved by Mr. O'Brien, seconded by Mr. Steele, that the appointments be confirmed. *Carried*

ADVISORY COMMITTEE ON THE MECHANICAL RECORDING OF EVIDENCE

The Treasurer announced the appointment of Mr. C. L. Dubin, Q.C., as the Society's representative on the Attorney-

General's Advisory Committee on the Mechanical Recording of Evidence.

Moved by Mr. Ford, seconded by Mr. Finlayson, that the appointment be approved. *Carried*

SPECIAL COMMITTEE ON IMPLEMENTATION OF PROVISIONS OF THE LAW SOCIETY ACT 1970

Moved by Mr. Steele, seconded by Mr. Ford, that Messrs. Wilson, Gray, Sheard and Robins be appointed a Special Committee re Implementation of Provisions of The Law Society Act 1970. *Carried*

DISCIPLINE COMMITTEE — *Compensation Fund Claims*

Moved by Mr. O'Brien, seconded by Mr. Finlayson, that pursuant to Section 51(10) of The Law Society Act 1970, power be delegated to the Discipline Committee to deal with Compensation Fund claim. *Carried*

ANNUAL MEETING

Moved by Mr. Finlayson, seconded by Mr. O'Brien, that the Annual Meeting of the Law Society be held in the Skyline Hotel, Ottawa, on Saturday, February 6, 1971, at 2 p.m. *Carried*

CORRESPONDENCE

The Treasurer referred to a letter from the Honourable Mr. Justice Hughes respecting counsel gowning in Mechanics' Lien Courts, including the suggestion that the Master wear a Queen's Counsel gown.

Moved by Mr. O'Brien, seconded by Mr. Ford, that His Lordship be advised that the Benchers have no objection to the proposal though the matter is outside the Society's purview. *Carried*

An acknowledgment has been received from Mrs. Harold G. Fox of the expressions of sympathy and flowers received at the time of the death of her husband.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 15th day of January, 1971.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF SPECIAL CONVOCATION

Monday, 14th December, 1970
10 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.), and Messrs. Bowlby, Cass, Estey, Evans, Fennell, Finlayson, Ford, Goodman, Gray, Howland, Lochead, McCulloch, MacKinnon, McLaughlin, Pattillo, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

CONFERRING OF LL.B. DEGREE

Mr. Robins, Chairman, Legal Education Committee, presented to the Treasurer Mr. Klemens Fass, a candidate for the degree of Bachelor of Laws who has elected to receive his degree from the Law Society of Upper Canada. The Treasurer then conferred upon him the degree of Bachelor of Laws.

SPECIAL COMMITTEE ON SOLICITORS LIABILITY INSURANCE—Mr. Pattillo

Moved by Mr. Thom, seconded by Mr. Gray, that when the policy of liability insurance is settled with the Society's counsel, it be submitted to the Finance Committee together with such attendant matters as payment of the premium, and that the Finance Committee be given power to act. *Carried*

Convocation considers that the Special Committee on Solicitors Liability Insurance, having made its report, has completed its work and is discharged.

DISCIPLINE COMMITTEE

Mr. Evans, Chairman, presented the following decisions of the Discipline Committee:

RE: JACK CHADWICK, Toronto

The Reporter was sworn.

The solicitor and his counsel, Mr. A. M. Cooper, Q.C., attended.

The Decision of the Disciplinary Committee was read by the Secretary:

IN THE MATTER OF THE LAW SOCIETY ACT
AND IN THE MATTER OF JACK CHADWICK, OF THE CITY
OF TORONTO, A BARRISTER AND SOLICITOR.

As a result of a complaint received by the Society, an inspection was made of the Solicitor's books and records and the following Notice of Complaint was served on the Solicitor, returnable before your Committee on Thursday, 15th October, 1970, at 10:00 a.m.

> "TAKE NOTICE that it is alleged that you have been guilty of professional misconduct or conduct unbecoming a Barrister and Solicitor in that you:
>
> 1. contrary to Rule 6 of the Rules Respecting Accounts, have failed to maintain at all times, and particularly in the months of June, July and August 1970, sufficient money on deposit in your trust bank account to satisfy your indebtedness to clients for trust funds;
> 2. contrary to Rules 7 and 8 of the Rules Respecting Accounts, have failed to maintain proper books, records and accounts as required by these Rules;
> 3. [This allegation was not established.]
> 4. took the oath and subscribed your name on the affidavit of execution of Betty Scholes contained in the following mortgage document, knowing the affidavit to be false:
>
>   Mortgage dated 1st June 1970 from Carlo Pacitto to Harry Raphael and registered as Instrument No. Vaughan 66677 in the Registry Office for the Registry Division of the East and West Riding of the County of York on 3rd June 1970.
> 5. did falsely sign the jurat of the affidavit as to legal age and marital status contained in the mortgage document referred to in paragraph 4, knowing that the said affidavit was not signed by the deponent thereof in your presence and that you did not administer the oath to the said deponent;
> 6. in or about the months of February and March 1970, having received from a client Percy Brenner the sum of $30,000.00 in trust to invest on the security of a first mortgage on property known as the westerly half of Lot 5, Plan 1581 in the Borough of Etobicoke, in

the County of York, did improperly disburse these monies without obtaining the security required by the client and then falsely reported to the client on the security obtained;

7. have failed to comply with your undertaking given to the Discipline Committee of the Law Society on the 7th day of August 1969 to file monthly with the Society's offices for a period of six months commencing 30th September 1969 the following material prepared by a public accountant:
    (i) a certificate that you maintain books and accounts in compliance with Rules 7 and 8 of the Rules Respecting Accounts and that they are maintained to date;
    (ii) a copy of your reconciliation statement as required by Rule 8(e) of the Rules Respecting Accounts."

On the day appointed the Solicitor attended before your Committee with Counsel, Mr. Austin M. Cooper, Q.C. Mr. Ian Scott attended as Counsel for the Society. Mr. Cooper asked for and was granted an adjournment to Thursday, 5th November, 1970, at 10:00 a.m.

Your Committee met on the adjourned date consisting of Messrs. Goodman (Chairman), Steele and Strauss. The Solicitor and both Counsel attended as before. Counsel for the Solicitor, Mr. Cooper, admitted service of the Notice of Complaint and requested a further adjournment. After hearing both Counsel on the matter of adjournment, your Committee decided to proceed and advised Mr. Cooper that it would grant an adjournment if he wished when the Society's evidence was received. Mr. Cooper had no objection to this and in fact after the Society's evidence was heard and before the Solicitor gave any evidence, the matter was adjourned and concluded on Friday, 27th November, 1970.

Counsel for the Society, Mr. Scott, then advised your Committee that an inspection had been made by the Law Society's Accountant, Mr. Jack Hughes, of the Solicitor's books and records. Mr. Hughes had made a Report of his inspection and the Solicitor's Counsel was prepared to admit as fact certain portions of this Report.

The following persons gave character evidence: Mr. Gregory Szymonowicz (father of Mr. Kazimir Szymonowicz), now retired but formerly a lawyer with the Chilean Consulate in

Rumania and President of The Polish Rumanian Bank; Dr. Karl Staroste, M.D.; Mr. Robert Farlow, Q.C.; Dr. H. H. Werner, Doctor of Natural Science; Judge William Leslie Camblin, Judge of the Provincial Court for the Province of Ontario; Mrs. E. M. Chadwick, the Solicitor's wife. All those persons stated that they have known the Solicitor for several years and have the highest regard for his honesty. He is a devoted husband and father and takes personal interest in his clients. He is a hard worker but not aggressive and is easily taken advantage of.

In his submissions to your Committee, Counsel for the Solicitor stated that there was no evidence before your Committee of personal gain to the Solicitor. He stated that the evidence showed the Solicitor's main problem was an inability to structure himself to his responsibilities, a tendency to place too much reliance and trust in others, and permitting others to take advantage of him.

Your Committee was impressed with the character evidence and the very high regard held for the Solicitor's honesty, and the fact that there was no evidence to show a personal gain to the Solicitor. Your Committee finds as a fact, however, each paragraph set out in the Notice of Complaint with the exception of Paragraph No. 3 and on the basis thereof finds the Solicitor guilty of professional misconduct. The evidence shows a complete disregard and apparent lack of appreciation by the Solicitor of his responsibilities to his clients and his obligations to the Law Society.

Your Committee recommends that the Solicitor be disbarred and that his name be struck off the Rolls of the Law Society of Upper Canada.

Mr. Jack Chadwick was called to the Bar and admitted as a Solicitor of the Supreme Court of Ontario on the 24th day of June, 1954.

All of which is respectfully submitted.

Dated this 2nd day of December, 1970.

"Edwin Goodman",
Chairman

Mr. Cooper asked that the matter be adjourned to the January Convocation.

The solicitor and his Counsel, and the Reporter retired.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Decision of the Discipline Committee be accepted.

Moved by Mr. Estey, seconded by Mr. Ford, that the matter be adjourned to the January, 1971 Convocation. *Lost*

The solicitor and his Counsel and the Reporter returned and were advised of the decision not to adjourn the matter. The Solicitor and his Counsel were advised of the Solicitor's right to dispute the decision and to make submissions with respect thereto. The Solicitor's Counsel did not dispute the findings of fact set forth in the Committee's Decision, and submitted that the Solicitor's conduct amounted only to gross negligence.

The Solicitor and his Counsel and the Reporter retired.

After discussion Convocation carried the motion to accept the Committee's Decision.

It was then moved by Mr. Evans, seconded by Mr. MacKinnon, that Convocation order that the said Jack Chadwick be disbarred as a barrister, and that his name be struck off the roll of solicitors, and that his membership in the Law Society of Upper Canada be cancelled.

The Solicitor and his Counsel and the Reporter returned and were advised of the motion to disbar.

The Solicitor and his Counsel were advised of the Solicitor's right to make submissions with respect to penalty.

The Solicitor's Counsel and the Solicitor addressed Convocation.

The Solicitor and his Counsel and the Reporter retired.

The motion was carried.

It was accordingly ordered —

1. THAT the Report of the Discipline Committee in the matter of JACK CHADWICK, Barrister, a member of this Society and a Solicitor of the Supreme Court of Ontario, be adopted.
2. THAT upon the facts ascertained and appearing by the said Report and the evidence and other papers referred to and submitted to Convocation therewith, Convocation finds the said JACK CHADWICK guilty of professional misconduct in respect of the charges dealt with by the said Report.
3. THAT Convocation do order that the said JACK CHADWICK be disbarred as a barrister and that his name be struck off the roll of solicitors and that his membership in The Law Society of Upper Canada be cancelled.

RE: SIDNEY CAPLAN, Toronto

Messrs. Goodman, Gray and R. F. Wilson were not present throughout and took no part in the discussion and did not vote.

The Solicitor did not attend.

The Reporter was sworn.

The Decision of the Discipline Committee was read by the Secretary:

IN THE MATTER OF THE LAW SOCIETY ACT, 1970
AND IN THE MATTER OF SIDNEY CAPLAN, of the
City of Toronto, a Barrister and Solicitor.

As a result of information being received and the resulting investigation the following complaint was made:

> "The Complaint of Kenneth Jarvis of the Municipality of Metropolitan Toronto, in the County of York, one of Her Majesty's Counsel Learned in the Law.

The complainant says

1. that he is Secretary of The Law Society of Upper Canada.
2. that he has reasonable and probable grounds to believe and does believe that SIDNEY CAPLAN is guilty of professional misconduct in that he did
    (a) [Adjourned *sine die.*]
    (b) [Adjourned *sine die.*]
    (c) [Adjourned *sine die.*]
    (d) [Adjourned *sine die.*]
    (e) [Not proceeded with.]
    (f) in or about the month of March, in the year 1970, receive $12,000.00, more or less, from or on behalf of his clients Charles and Grace Underwood in trust to invest for them upon the security of a mortgage of real property situate at 39 Rochelle Crescent in the Borough of North York, but misappropriated it."

The hearing was scheduled for the 29th day of November, 1970, at 10:00 o'clock in the forenoon. Your Committee, composed of Mr. Arthur Pattillo as Chairman and Messrs. Maloney and W. E. Harris, met at the appointed time.

The solicitor was not present nor did anyone appear on his behalf.

Clare Scott, Assistant Secretary of the Society, acted as counsel for the Society.

Counsel produced to your Committee an affidavit wherein the deponent stated that he had personally served on the solicitor a copy of the Complaint and a Notice of Hearing, the original Complaint and a copy of the Notice of Hearing being affixed to the affidavit as exhibits.

Counsel advised your Committee that there had been no communication with his office by the solicitor, or anyone on his behalf, with respect to the hearing. He also stated that he had looked in the immediate area of your Committee's room and could find no one who was appearing on behalf of the solicitor.

Your Committee then determined to proceed in the solicitor's absence, being satisfied that the solicitor had been properly served with the Complaint and had notice of the hearing.

Your Committee finds as a fact on the evidence adduced that the solicitor is guilty of professional misconduct in that he did, in or about the month of March, in the year 1970, receive $12,000 from or on behalf of his clients, Charles and Grace Underwood, in trust to invest for them upon the security of a mortgage of real property situate at 39 Rochelle Crescent in the Borough of North York, and misappropriated it.

All of which is respectfully submitted this 23rd day of November, 1970.

"A. S. Pattillo"
Chairman

The affidavits of William Coukell and Hugh C. Walker, Investigators, and of Katharine Knier with Exhibits A and B attached thereto, as to service of the Complaint and the Decision of the Discipline Committee, were filed.

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the Decision be accepted. *Carried*

Moved by Mr. Evans, seconded by Mr. MacKinnon, that Convocation order that the said Sidney Caplan be disbarred as a barrister, and that his name be struck off the roll of solicitors, and that his membership in the Law Society of Upper Canada be cancelled. *Carried*

It was accordingly ordered that the said Sidney Caplan be disbarred as a barrister, and that his name be struck off the Roll of Solicitors, and that his membership in the said Society be cancelled.

RE: PROCEDURE

Your Committee met on Thursday, December 10th, 1970, at 10:00 o'clock in the forenoon, the following members being present: Mr. W. Gibson Gray, Chairman, the Treasurer, Mr. G. Arthur Martin, and Messrs. Cass, Finlayson, Henderson, Pepper, Robins, Strauss and Thom. Your Committee had before it the report of the sub-Committee of the Discipline Committee on Procedure and made recommendations to Convocation with respect to procedure to be followed in discipline matters in conformity with the provisions of the Law Society Act, 1970.

Moved by Mr. Evans, seconded by Mr. MacKinnon that the Report be adopted.

Moved by Mr. Bowlby, seconded by Mr. Ford, that paragraph 10 be amended to allow a Committee member to submit a written dissent both as to guilt or innocence and with respect to any recommendation as to penalty. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

Convocation adjourned for luncheon at 12:30 p.m.

The Treasurer and Benchers entertained as their special guests at luncheon Mr. F. J. Cornish, Q.C., Area Director for York County, Ontario Legal Aid Plan; Mrs. Anne Dubin, Q.C., Vice-Chairman of the York Area Committee; Miss Phyllis Haslam, Executive Director, The Elizabeth Fry Society, and Mr. A. M. Kirkpatrick, Executive Director, John Howard Society.

Convocation resumed at 2:30 p.m., the following members being present: The Treasurer and Messrs. Cass, Fennell, Finlayson, Ford, Gray, Howland, Lochead, Pattillo, Robins, Sheard, Slemin, Steele and Thom.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Monday, the 14th December, 1970, the following members being present: Messrs. Sheard, Chairman, and Fennell, Gray, Pattillo, Steele and Thom.

PENSION PLAN

The Master Contract between the Society and the Standard Life Assurance Company for the Pension Plan covering the Society's employees was before the Committee.

Your Committee recommends that the Contract be approved, and that Convocation pass the following resolution:

> WHEREAS The Law Society established the Pension Plan for Employees of The Law Society of Upper Canada effective March 1, 1947 through Group Annuity Policy No. Gr. P.W. 10058 issued by The Standard Life Assurance Company; and
>
> WHEREAS the Society now desires to amend the said Plan and change the method of funding the pension benefits thereunder;
>
> NOW THEREFORE BE IT RESOLVED:
>
> THAT effective March 1, 1969, the Pension Plan for Employees of The Law Society of Upper Canada be amended and restated, the terms, provisions and conditions of and benefits under such amended and restated Plan to be those set forth in the text of such amended Plan; and
>
> THAT The Standard Life Assurance Company Group Annuity Policy No. Gr. P.W. 10058 be altered to a paid-up basis effective February 28, 1969; and
>
> THAT effective March 1, 1969, The Standard Life Assurance Company Group Pooled Investment Funds Policy No. Gr. P.W. 11215 PIF-IA be adopted for the purpose of funding the pension plan benefits; and
>
> THAT the proper officers of the Law Society be and hereby are authorized and directed to execute any and all documents necessary or advisable to effectuate and to operate the said Plan, and all documents necessary or advisable to comply with the requirements of the Department of National Revenue and any applicable Federal or Provincial Legislation.

Your Committee recommends that the Standard Life Assurance Company be retained to administer the Plan.

Approved

MEMBERSHIP UNDER RULE 50

The following members who are 65 years of age and fully retired, apply to be permitted to continue their membership in the Society under Rule 50, upon payment of annual fee of $25:

Anglin, Robert E., Toronto, retired—May 23, 1965
Baker, Clarence C., Ottawa, retired—February, 1928
Beck, S. H., Toronto, retired—about October, 1965
Boyd, J. A., Toronto, retired—November 1, 1966

Bruce, A. H. C., Toronto, retired—December 31, 1969
Campbell, W. S., Toronto, retired—June 30, 1965
Clark, Ellis W., Toronto, retired—November 10, 1970
Collinson, J. G., Hamilton, retired—February 4, 1960
Coburn, John L., Ancaster, retired—December 31, 1969
Cook, F. G., Toronto, retired—March 1, 1968
Farmer, Rev. C. V., Toronto, retired—July 31, 1964
Francis, James, Ottawa, retired—September 30, 1970
Fenston, John, Toronto, retired—January 1, 1969
Furlong, Charles, Windsor, retired—September, 1970
Graham, H. D., Oakville, retired—June 30, 1966
Ham, Kenneth S., Napanee, retired—April 1, 1968
Hardy, Robert F., Hornby, retired—March 31, 1970
Harrison, Miss Evelyn, London, retired—February 8, 1965
Henry, John Keith, Toronto, retired—December 22, 1967
Hewson, W. H., Penetanguishene, retired—February 28, 1967
Humeniuk, Theodore, Toronto, retired—February 1, 1965
Jackson, John A., Leamington, retired—April 20, 1970
Lacourciere, J. E., Montreal, retired—March 31, 1968
Littlejohn, R. H., Toronto, retired—October 31, 1962
Longmore, D. E., Calgary, retired—January 31, 1963
Matchett, H. B., Grimsby, retired—June 30, 1966
MacDonald, Toner A., Braeside, retired—November 30, 1961
McWilliams, Mrs. Lorna M., Toronto, retired—December 6, 1966
Newton, Miss Elizabeth H., Toronto, retired—March, 1966
Osborne, D. H., Toronto, retired—December 31, 1961
Reid, John L., Barrie, retired—December 5, 1967
Richards, Miss Eleanor G., Toronto, retired—September 30, 1970
Rodness, Reuben, Toronto, retired—January 1, 1967
Rosenberg, Henry S., Toronto, retired—January 1, 1963
Shurtleff, Harold S., Toronto, retired—December 31, 1969
Sinclair, Clive M., Clarkson, retired—April 28, 1967
Snyder, Cecil L., Ottawa, retired—June 10, 1970
Squires, Frank M., Oakville, retired—May 1, 1964
Swartz, Louis H., Windsor, retired—November 10, 1966
VanEvery, Mrs. Janet G., Toronto, retired—September 1, 1968
Woodrow, C. E., Toronto, retired—April 30, 1970.

Approved

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter dated November 10, 1970, from the President of the County of York Law Association to its members re the County of York Tariff.

Ordered that the letter be received and filed.

. . . . .

Letter from Mr. John J. Deutsch, Principal, Queen's University, inviting the Benchers to a demonstration of legal computing at the University, possibly some time in January.

Messrs. Beament and Steele were appointed to attend the demonstration.

. . . . .

A letter from the Department of Financial and Commercial Affairs, Companies Branch, dated December 7, 1970, notifying the Society of the receipt by it of an application for incorporation of a company under the name — "The Law Union Research and Educational Foundation". The application was submitted by Messrs. Copeland & Ruby, Solicitors of Toronto.

Moved by Mr. Pattillo, second by Mr. Ford, that the Department be notified that the Society objects to the name of "Law Union" for the proposed corporation, and to the objects of the proposed corporation. *Carried*

RE SOLICITORS LIABILITY INSURANCE

Appointment of an Auditor and Adjuster

Moved by Mr. Thom, seconded by Mr. Pattillo, that the matter be referred to the Finance Committee with power to act. *Carried*

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 15th day of January, 1971.

"G. ARTHUR MARTIN"
Treasurer.

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